GIFT OF
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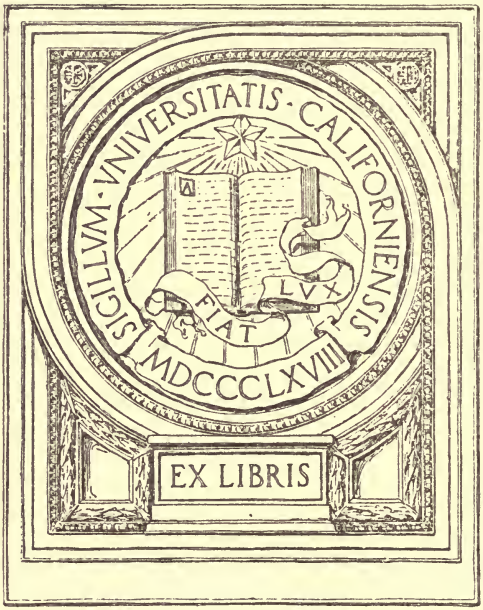

Wm. Sargeant

July 1st 1795

C. H. Jackson

Oct. 1st. 1891

L. Y.

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ENGRAVED FOR THE TRIAL OF MAURICE MARGAROT.

MAURICE MARGAROT.

Questions put to the Lord Justice Clerk

Marg: *Did you use these words What do ye think of giving him 100 lashes, together with Botany Bay or words to that purpose?*

L.d J.Clk: *Go on put your quest.n if you have any more.*

Marg: *Did any person Did a Lady say to you, that the Mob would not allow you to whip him: & my Lord, did you not say that the Mob would be the better for letting a little* ***BLOOD?***

Wm. Sargeant
Augt. 19th 17

THE TRIAL

OF

MAURICE MARGAROT,

BEFORE THE

HIGH COURT OF JUSTICIARY,

AT EDINBURGH,

On the 13th and 14th of January, 1794,

ON AN

INDICTMENT

FOR

SEDITIOUS PRACTICES.

TAKEN IN SHORTHAND

BY MR. RAMSEY.

LONDON: PRINTED.—NEW YORK: RE-PRINTED,

BY JAMES CAREY, No. 91, BROAD-STREET.

INDICTMENT.

GEORGE, *&c.* FORASMUCHAS it is humbly meant and complained to us, by our right truſty ROBERT DUNDAS, Eſq. of Arniſton, our Advocate, for our intereſt upon MAURICE MARGAROT, merchant in Marybon, London, No. 10, High-ſtreet, reſiding or lately reſiding, at the Black Bull Inn, head of Leith Walk, pariſh of St. Cuthbert's, and County of Edinburgh: THAT WHEREAS, by the laws of this, and of every well governed realm, SEDITION is a crime of an heinous nature, and ſeverely puniſhable, YET TRUE IT IS, AND OF VERITY, That the ſame Maurice Margarot has preſumed to commit, and is guilty actor, or art and part of ſaid crime: IN SO FAR AS, the ſaid Maurice Margarot having been named a delegate by an aſſociation of ſeditious people, calling themſelves the Correſponding Society of London, did repair to Edinburgh with the wicked and felonious purpoſe of joining and co-operating with an illegal aſſociation of evil diſpoſed and ſeditious perſons, who originally deſigned themſelves, The General Convention of the friends of the people; but who have of late aſſumed the deſignation of "*the Bri-*"*tiſh Convention of the delegates of the people, aſſociated to obtain* "*univerſal ſuffrage and annual parliaments*;" and which illegal aſſociation, under the names and deſignations above mentioned, have been in the practice, during the months of October and November laſt, as well as in the beginning of the preſent month of December, 1793, of holding various ſeditious and illegal meetings at a Maſon's lodge, or room in Black-fryars wynd, in the city of Edinburgh, and elſewhere, to the public proſecutor unknown; and which meetings, though held under pretence of procuring a reform in parliament, were evidently of a dangerous and deſtructive tendency, with a deliberate and determined intention, to diſturb the peace of the community, and to ſubvert the preſent conſtitution of the country: with which view they imitated, both in the form and tenor of their proceedings, that Convention of people, the avowed enemies of this country, who at preſent uſurp the government of France, and with whom Great-Britain then was and ſtill is at war: That the ſaid Maurice

rice Margarot, from his arrival in Edinburgh, did, as a delegate from the said Corresponding Society, in London, constantly attend the illegal meetings of the above mentioned association, and did co-operate with them, on different occasions, and act as preses or chairman of their meetings, and did take an active and distinguished part in their deliberations and proceedings; and that while the said Maurice Margarot continued to attend the said illegal meetings, as a delegate, or was officiating in the capacity of president, as above mentioned, various seditious and inflammatory votes and resolutions were passed, some of which he moved, others of which he seconded, and to all of which he gave his concurrence and approbation, by voting for passing the same; and which seditious votes and resolutions, as also the inflammatory speeches that were delivered on those occasions, by authority of the said meetings, were inserted in minutes of their procedure, taken at the time, and which afterwards by their order, or under their authority, were published in a newspaper, called the Edinburgh Gazetteer, of Tuesday, November 26th, 1793, being No. 78; of Tuesday, December 3d, 1793, being No. 79; and of Tuesday, December the 10th, 1793, being No. 80, all of that paper; and were by that means circulated among the lieges; That the said Maurice Margarot did also, when attending in his capacity of delegate at the illegal meetings of the said association, utter and make various seditious and inflammatory speeches, tending to vilify our present happy constitution; and to withdraw therefrom the confidence and attachment of our subjects; and did likewise move resolutions, tending to disseminate the seditious and unconstitutional principles, by which these meetings were actuated. And particularly the said Maurice Margarot, at a meeting of the said Convention, held on Tuesday 19th of November last, 1793, or on some other day of that month, in a Mason lodge, or room in Black-fryars wynd, in the city of Edinburgh, did wickedly and feloniously make the following motion, or one of a similar import; "That previous to the publishing an address to the public, a Committee be forthwith appointed, to consider the means and draw up the outlines of a "plan of general union and corporation between the two nations, in their constitutional pursuit of a thorough parliamentary reform." Which motion, or one of the same tendency, having been approved of, was passed unanimously by the said illegal association; and which motion clearly demonstrated a wish and intention, on the part of the said Maurice Margarot, of propagating the seditious tenets of that association over the whole kingdom, and of exciting our subjects in England, in contempt of legal authority, to adopt the same unconstitutional conduct which the said Maurice Margarot and his associates had presumed to follow.

And further, on Monday, the 25th of November 1793, or on some other day of that month, another illegal meeting, of the above-

above-named aſſociation, held at the aforeſaid Maſon lodge or room, in Black-fryars wind, or in ſome other place to the public proſecutor unknown; upon a motion being made in the following words, or words of the ſame import: "That in caſe the mi-"niſter, or any other member, bring into the Houſe of Com-"mons a motion for a Convention Bill, as paſſed in Ireland, for "preventing the people from meeting according to their juſt "rights by the revolution, the ſame motion ſhall be noticed to "the delegates of the reſpective ſocieties immediately to meet "in Convention, to aſſert their rights;" which motion having become the ſubject of conſideration the following day, the ſaid Maurice Margarot did then wickedly and felonioufly utter and make the following ſpeech, or one of the like import and tendency: "This is an excellent motion, and the event, which it "alludes to, ought to be the *tocſin* to the friends of liberty to "aſſemble. It ſeems however to be imperfect: it does not "mention any place of meeting, neither does it ſpecify the time "when the delegates are to aſſemble; for the word immediately "is indefinite, and will not convey the ſame meaning to per-"ſons reſiding in different parts of the country. By thoſe who "live near to the place of meeting it will be underſtood, that "they are to repair there next day. By thoſe at a greater diſ-"tance, within a few days; and by thoſe ſtill further off, a "week after ſuch information is received. But the Committee "of regulations have in their report an article of the ſame pur-"port, which, in my opinion, is preferable to our friend Cal-"lendar's motion; which, as this motion comes properly under "the charge of regulations, I wiſh that it were referred to that "committee. I therefore move that the report be read, that "the Convention may judge whether the article I allude to ſuf-"ficiently provides for the intention of the motion now before "the Convention.

"I believe that the Convention will be convinced, that the "clauſe of the report of the Committee of regulations compre-"hends the ſpirit and intention of *Citizen* Callendar's motion, "and alſo extends farther, inaſmuch as it provides for a num-"ber of caſes equally dangerous to liberty, as a Convention Bill; "it will be found alſo, that this buſineſs of calling a meeting of "the Convention had better be entruſted to a ſelect Committee, "appointed for the particular purpoſe of watching every act "which may militate againſt the rights of the people. And I "maintain that the proper place for this motion to appear is "among the regulations of the Convention."

And further, on the 28th day of the ſaid month of November, 1793, or upon one or other of the days above mentioned, the ſaid illegal and ſeditious meeting did, after diſcuſſion of the ſaid motion, in the room or Maſon lodge in Black-fryars wynd aforeſaid, wickedly and ſeditiouſly come to the reſolution of the following import and tenor: "That this Convention conſidering

the

" the calamitous consequences of any act of the legislature which " may tend to deprive the whole or any part of the people of " their undoubted right to meet, either by themselves, or by " delegation, to discuss any matter relative to their common " interest, whether of a public or private nature; and holding " the same to be totally inconsistent with the first principles and " safety of society, and also subversive of our known and acknow- " ledged constitutional liberties, do hereby declare, before God " and the World, that we shall follow the wholesome example " of former times, by paying no regard to any act which shall " militate against the constitution of our Country, and shall " continue to assemble and consider of the best means by which " we can accomplish a real representation of the people and an- " nual election, until compelled to desist by superior force.

" And we do resolve,

" That the first notice given for the introduction of a Con- " vention Bill, or any Bill of a similar tendency to that passed " in Ireland in the last Session of Parliament;

" Or any Bill for the suspension of the *Habeas Corpus Act*, or " the act for preventing wrongous imprisonment, and against " undue delays in trials in North Britain;

" Or in case of an Invasion,

" Or the admission of any troops whatsoever into Great Bri- " tain or Ireland—all or any of these calamitous circumstances " shall be a signal to the different delegates to repair to such " place as the secret committee of this Convention shall appoint, " and the first seven members shall have power to declare the " sittings permanent, and twenty-one shall constitute a Conven- " tion and proceed to business.

" The Convention doth therefore resolve, that each delegate, " immediately upon his return home, do convene his constitu- " ents and explain to them the necessity of electing a delegate " or delegates, and of establishing a fund without delay against " any of these emergencies, for his or their expence, and that " they do instruct the said delegate or delegates to hold them- " selves ready to depart at one hour's warning.

" And further the said Maurice Margarot did at the said ille- " gal meeting after the aforesaid resolution was so passed wick- " edly and feloniously make a motion in the following words, or " in words of a similar import and tendency: That a secret " committee of three and the secretary be appointed to deter- " mine the place where such Convention of emergency shall " meet; that such place shall remain a secret with them and " with the secretary of this Convention; and that each delegate " shall at the breaking up of the present session, be intrusted " with a sealed letter, containing the name of the place of " meeting. This letter shall be delivered unopened to his " constituents, the receipt of which shall be acknowledged by a " letter to the secretary, preserved in the same state until the pe-

riod

" riod shall arrive at which it shall be deemed necessary for the " delegate to set off—which motion was unanimously approved " of."

And further, the said Maurice Margarot did, on Wednesday the 4th of December, 1793, or on one or other of the days of that month, or November preceding, in another illegal meeting of the above-named Association, held at the aforesaid Mason Lodge, or room in Blackfryar's-wynd, or some other place to the public Prosecutor unknown, wickedly and feloniously utter and make the following speech, or one of a similar import and tendency:

" Your committee of Regulations have not been able to bring " forward the remainder of their report this evening, they have " not however been idle, they have been employed in another " manner in your service. It has been observed that we admit " spies, under the name of strangers. I say they are welcome; " and if the men by whom they are employed, were to come " here, they should be welcome also: for we have no secrets " which we dare not avow. But the intelligence which I have " to communicate will shew that those who are not friendly to " reform, and who have an interest in supporting the existing " abuses, are using every endeavour to put a stop to our meet- " ings. If they abide by law we are safe; for they cannot deny " that we are met for a legal and constitutional purpose; but as " the people in power may take measures against us not war- " ranted by law, we ought to be prepared. I have in my hand " the outlines of a motion which I would wish to propose in a " fuller house. However I shall in the mean time observe, that " I am informed there are many men who are desirous of dis- " persing us by force, we ought therefore to prepare against " such dispersion. We have already appointed a secret commit- " tee, for fixing a place of meeting on certain emergencies; " and we ought to be equally well provided against the present " case; for if we shall happen to be dispersed to night, how or " where are we to rally again? To do this your Committee " suggests a resolution to the following effect; but which I shall " leave to be drawn up by the Council of the table: That the " moment of any illegal dispersion of the present Convention " shall be considered as a summons to the Delegates to repair to " the place of meeting, appointed for the Convention of Emer- " gency by the secret committee; and that the secret committee " is instructed to proceed without delay to fix the place of meet- " ing. I hope that what has been already said will convince the " Convention that your Committee of Regulations, though they " have not been able to bring forward their report, have not " neglected their duty; and it will convince our enemies that " we do not altogether neglect them, they will see that we " proceed with regularity, and that we have an eye upon them " while they have spies upon us. I therefore move for leave to " bring in this motion—Which motion afterward passed unani- " mously."

" mouſly."—The ſaid Maurice Margarot, after moving the ſaid reſolution, not only gave his aſſent to paſs the ſame, but allowed himſelf to be named one of the four members of which ſaid ſecret Committee was compoſed, and agreed to act in that capacity. And further, on Friday, December 6th, 1793, or ſome other day of that month, the ſaid illegal aſſociation having again aſſembled in a room or workſhop belonging to, or poſſeſſed by John Laing, wright, ſituated in Lady Lawſon's yard, ſouth ſide of Croſs Cauſeway, in the pariſh of St. Cuthbert and ſheriffdom of Edinburgh; the Sheriff Subſtitute of Edinburgh, with others his aſſiſtants, having, in the diſcharge of his duty, repaired to the ſaid room or workſhop, with a view to diſperſe ſaid illegal Aſſociation, the ſaid Maurice Margarot, with others his aſſociates, did then and there reſiſt the ſaid Sheriff Subſtitute, and did peremptorily refuſe to diſperſe until forced ſo to do: that on this occaſion the ſaid Maurice Margarot was called to the chair, and acted as preſes or chairman of the ſaid illegal meeting after the appearance of the Sheriff Subſtitute; and, in open contempt and defiance of all legal authority, vindicated the proceedings of the meeting, and peremptorily refuſed to leave the chair unleſs compulſion was uſed: in conſequence of which the Sheriff Subſtitute was under the neceſſity of taking him by the arm and pulling him out of the chair, and of uſing force in diſperſing the reſt of his aſſociates: That this conduct of the ſaid Maurice Margarot was highly aggravated by this circumſtance: That the ſaid illegal aſſociation had been the very evening before diſperſed by the civil magiſtrate. And the ſaid Maurice Margarot having been apprehended and brought before Harry Davidſon, Eſq. Sheriff Subſtitute of the ſhire of Edinburgh, on the 5th of December, 1793, did in his preſence emit a declaration of that date, which is ſigned by the ſaid Sheriff Subſtitute, the ſaid Maurice Margarot having declined to ſign the ſame; and when the ſaid Maurice Margarot had been ſo apprehended, ſundry papers having been found in his poſſeſſion, or claimed by him, the ſame were afterwards inſpected in his preſence, by authority of the Sheriff of Edinburgh, and two ſeveral liſts or inventories of thoſe papers were made up, one of which, containing ten articles, is ſubſcribed by William Scott, procurator fiſcal of the county of Edinburgh, and by Joſeph Gerrald, of Hart-ſtreet, Bloomſbury Square, London; and the other, conſiſting of nine articles, is ſubſcribed by the ſaid William Scott, and by the Sheriff Subſtitute of Edinburgh, as the ſaid Maurice Margarot refuſed to ſign the ſame. Which inventories, together with the whole articles thereof, except No. 1. of the firſt inventory; as alſo the foreſaid declaration emitted by him before the Sheriff Subſtitute of Edinburgh; together with a paper ſigned by the ſaid Maurice Margarot and by John Wardlaw, quoted on the back, "Motion of M. Margarot," and ſigned by the ſaid Sheriff Subſtitute, as relative to the aforeſaid declaration; as alſo the ſcroll or draught of the minutes of the ſaid General Convention, from the 29th of October

October to the 4th of December, 1793, consisting of 95 pages; as also Nos. 78, 79, and 80 of the Edinburgh Gazetteer above mentioned being all to be used in evidence against the said Maurice Margarot, will for that purpose, in due time, be lodged in the hands of the Clerk of the High Court of Justiciary, before which he is to be tried, that he may have an opportunity of seeing the same. *At least* times and places above mentioned, the said acts of Sedition were committed, and the said Maurice Margarot is guilty, actor, or art and part thereof. *All which*, or part thereof, being found proven by the verdict of an assize before our Lord Justice General, Lord Justice Clerk, and Lords Commissioners of Justiciary, in a Court of Justiciary, to be holden by them within the criminal Court-house at Edinburgh, upon the 9th day of January next to come, the said Maurice Margarot, above complained upon, *ought* to be punished with the pains of law, to deter others from committing the like crimes in all times coming. *Our will is herefore, &c.*

LIST OF WITNESSES.

1 Harry Davidson, Esq. sheriff substitute of the county of Edinburgh.
2 William Scott, procurator-fiscal of the said county of Edinburgh.
3 James Williamson, clerk to the said William Scott.
4 Archibald Welch, clerk to the said William Scott.
5 Joseph Mack, writer in Edinburgh.
6 James Lyon, indweller in Edinburgh.
7 John M'Donald, indweller in Edinburgh.
8 Neil M'Glashan, indweller in Edinburgh.
9 William Ross, clerk in the Gazetteer office, Edinburgh.
10 George Ross, clerk in the Gazetteer office, Edinburgh.
11 Alexander Aitchison, student of medicine, residing in Canongate of Edinburgh.
12 John Clark, mason, in Edinburgh.
13 Alexander Bell, tobacconist, in Canon-gate of Edinburgh.
14 Andrew Newton, formerly tobacconist in Dunse, now residing in St. Patrick's Square, Edinburgh.
15 John Gourlay, watchmaker, in Edinburgh.
16 Alexander Reid, joiner and cabinet-maker, residing in Edinburgh.
17 David Downie, goldsmith, in Edinburgh.
18 Thomas Cockburn, merchant, Lawn-market, Edinburgh.
19 John Wardlaw, writer, in Edinburgh.
20 Samuel Paterson, merchant, in Lucken-booths of Edinburgh.

21 John Laing, wright, in Nicolſon-ſtreet, Edinburgh.
22 The Right Hon. Thomas Elder, Lord Provoſt of the city of Edinburgh.
2 Neil M'Vicar, Eſq. one of the magiſtrates of Edinburgh.
24 James Laing, one of the city depute clerks of Edinburgh.
25 James Burnet, grocer, in Edinburgh, preſes of the ſociety of conſtables.
26 Alexander Frazer, grocer, one of the conſtables of Edinburgh.

J. ANSTRUTHER, A. D.

LIST OF ASSIZE.

John Grindlay, rectifier of ſpirits, Edinburgh.
James Gordon, brewer there.
John Howden, ſadler there.
Thomas Hotchkis, brewer there.
5 Samuel Gilmour, rope maker there.
James Clark, farrier there.
Walter Smeaton, painter there.
James Mill, tanner there.
James Clarkſon, baker there.
10 William Murray, merchant there.
William Scott, plumber there.
Robert Norie, painter there.
William Smyth, ſtabler there.
Robert Armſtrong, plumber there.
15 Charles Robertſon, printer there.
Andrew Bruce, merchant there.
Thomas Cleghorn, coach-maker there.
Henry Farquharſon, carver there.
John Balfour, merchant there.
20 John Saunders, ſhoemaker there.
John Baxter, glazier there.
James Dickſon, ſeedſman there.
John Wilſon, coach-maker there.
Robert Young, upholſterer there.
25 William Ainſlie, ſadler there.
John Scott, watchmaker there.
William Fraſer, tinſmith there.
Gilbert Meaſon, merchant there.
Alexander Weir, painter there.
30 Henry Murray, perfumer there.
William Marſhall, plumber there.
John Brough, wright there.
David Steuart, merchant there.
John Young, architect there.

35 William

William Pirnie, architect in Edinburgh.
James Bryce, painter there.
John Hay, banker there.
Samuel Anderson, banker there.
James M'Leish, bookseller there.
Robert Burns, architect there.
Macduff Hart, shoemaker there.
James Fowler, stationer there.
John White, merchant there.
Adam Dalmahoy, merchant there.
William M'Lean, merchant there.

ROBERT M'QUEEN.
ALEXANDER MURRAY.
DAVID RAE.

TRIAL,

TRIAL, &c.

MR. *MARGAROT*. Clerk of the Court, where is the Lord Juſtice General of Scotland? I don't ſee him in his place.

Clerk. I don't know where he is.

Mr. Margarot. I hold that this Court is not competent to try me. My Lords, I am cited before the Lord Juſtice General of Scotland, the Lord Juſtice Clerk, and Lords Commiſſioners of Juſticiary. Now we know this is the higheſt court in Scotland: we know there is no higher office in Scotland, than that of Lord Juſtice General, and we know, that if it was an unneceſſary poſt, it would not have £.2,000 a year ſalary, annexed to it, and we know that the indictment would have run before our Lord Juſtice General, or Lord Juſtice Clerk, becauſe we know that the Public Proſecutor will in this caſe and in every other, trumpet up much the conſtitution; and as the conſtitution of Great Britain is founded upon Laws, and thoſe Laws can only be delivered in words, ſo the leaſt variation of words in a Law, is a total objection to an indictment. My Lords, it may be ſaid there is precedent for it; but it is a fundamental principle, that no man is to hold out his own laches. Why is he not here to do his duty? If this innovation is ſuffered, perhaps the attendance of the Lord Juſtice Clerk will be diſpenſed with, and the attendance of the other Judges; and at laſt, perhaps, the Clerk of the Court, or even the Macers, will form the high Court of Juſticiary, ſo that by one deviation and another, even the forms of juſtice will be done away; and, my Lords, we cannot ſay that there has not been a precedent, where the Lord Juſtice General has appeared in his place, though perhaps that was not to the honour of Scotland, where the Duke of Argyle ſat as Lord Juſtice General, for the purpoſe of trying a man, one James Stewart, for the murder of a man of the name of Campbell, and the whole jury were Campbells except two; and that was the only inſtance where the Scotch have enjoyed the privilege of having the Lord Juſtice General ſit in their Court. I deny even the competency of this Court to argue upon, or maintain their own competency, becauſe it is the ſervant pretending to dictate to the maſter. As well

well may it be ſaid, we don't want a King, as for the Lord Juſtice Clerk to ſay, we don't want a Lord Juſtice General.

I have met the laws, and I beg this may be taken under your ſerious conſideration, for what I ſay this day will not be confined within theſe walls, it ſhall ſpread far and wide, and will undergo a reviſion of both Houſes of Parliament in England. You already know that there is an impeachment hanging over your heads—you know it is ſhortly promiſed to be brought forward. And, my Lords, I object upon another ground, in the criminality of which you are all implicated, for there is this difference between the lieges and the judges, that a man is always preſumed innocent till he is found guilty; but the moment there is the ſlighteſt imputation upon a judge, he is preſumed to be criminal till his innocence is clearly proved. A judge ought to be like Cæſar's wife, not only ſpotleſs but even unſuſpected; that is not the caſe with you, my Lords. We have the promiſe of many men in England of great reſpectability who will bring it forward, and you may, though you are now ſitting upon that bench, be brought to atone upon your knees, perhaps with your lives, for any infraction of the Laws you may be guilty of. My Lords, we well know that Cambyſes ordered an unjuſt judge to be flea'd, and the ſkin of that judge covered the ſeat of his ſucceſſor. We alſo know, that in the reign of Alfred (and I hold my authority in my hand, and the hiſtory of England will furniſh it to every one) that in one year, forty-four judges were hanged—and you well know the fate of Jefferys, who, though the ſlow hand of the law could not overtake him, was torn in pieces by the people. I don't mean to ſay that you are guilty—that remains for a higher deciſion than mine, at that tribunal where you muſt ſoon appear, to anſwer for thoſe actions which you have committed; but you will remember, that there will be at that day a mixture of guilt and innocence—may the innocence appear predominant—I don't wiſh to be one of your accuſers on that day.

My Lords, the objection that I have ſtated, it is impoſſible to get over, for that man is remarkably accurate, I mean the public Proſecutor, and if it was not neceſſary, he would not have inſerted it. I expect no mercy from him, neither ſhall I expect any thing like mercy from the court, in the ſituation in which I ſtand, if what I have heard be true.

My Lords, there is another objection alſo—I need Lord Juſtice Clerk and Lord Henderland's teſtimonies, as exculpatory evidences: I wanted to bring them upon their oaths to the bar, but though it is the privilege of an Engliſhman—of a Briton I mean, for I wiſh the name of Engliſhman to be annihilated in that of Briton—it is a privilege granted to us by that Conſtitution (which is ſo loudly trumpered up upon every occaſion), that a pannel at the bar, ſhall have the ſame compulſory method of bringing his witneſſes that his proſecutor has, and that has been

been denied me. The man whose business it is to cite witnesses said, he would attend in court, and give his reasons why he did not dare to serve those judges with a citation. It is true, I mentioned only the Lord Justice Clerk to him, and I charged him to tell the Lord Justice Clerk that I wanted his evidence, and I apprehend, that you are not competent to determine upon this objection. I have obeyed the laws. This is not the high Court of Justiciary, inasmuch as it lacks the centre stone—inasmuch as it lacks the principal officer of the court, and the man who here should represent the King, and consequently the wording of the indictment is loose, and renders it null and void. I have done my duty, and I demand to be discharged from your bar simpliciter.

Lord Justice Clerk. What do your Lordships say to this objection?

Lord Henderland. My Lords, the objection as I understand it, is, that the Lord Justice General does not attend this court, and it is even said, that we are not competent to judge of the force and validity of that objection. Why, my Lord, with respect to that, if we are not competent to judge of it, who is to judge of it? It is from the necessity of things that we must judge of it—no other person can judge of it, and therefore I hold that objection to be null and void. With respect to the attendance of the Lord Justice General—by Act of Parliament it is declared, that any three of this court shall be a quorum to try any criminal; consequently, though my Lord Justice General is absent, and even if your Lordships and I were absent, any other members of the court provided there are three, is a legal quorum sufficient for the trial; therefore I am of opinion that the objection should be repelled.

Lord Justice Clerk. Does any of your Lordships think otherwise?—I dare say not. Repel the objection.

(The objection repelled.)

Lord Justice Clerk. You will attend to the criminal libel that is to be read against you.

Mr. Margarot. Before that is read, my Lords, I claim another privilege, which is, that of having my witnesses called over, and if there are any who do not attend, I insist—I demand—I don't ask it as a favour—I demand it—you are on the seat of justice, and take heed how you administer that justice—I demand it as my right, that a caption be granted against the absentees.

Lord Eskgrove. With respect to what Mr. Margarot has said of his witnesses, I dare say your Lordships would not hesitate at sending a messenger to serve even your Lordships, or any man in the kingdom with a ciration. I hope it is not true, that the officer refused to cite your Lordships, it was his duty, and he ought to have done it.

Lord Justice Clerk Mr. Margarot, stand up and hear the criminal libel read against you.

The

The indictment read.

Lord Justice Clerk. What do you say to this? Are you guilty of the charges contained in it, or not guilty.

Mr. Margarot. My Lord, guilt does not stand at your bar at present.

Lord Justice Clerk. Are you guilty or not guilty? You must answer that question.

Mr. Margarot. I am not guilty! but I don't understand what is done with the objection I have already made.

Lord Justice Clerk. It is repelled.

Mr. Margarot. Oh; it is repelled, is it; according to custom? then I must make an open declaration of my intention, to enter a protest against the proceedings of this court.

Lord Justice Clerk. Have you any thing to offer as to the relevancy of the libel?

Mr. Margarot. With regard to the libel, if any exactness is necessary in a criminal libel, it certainly is not relevant, and here is one thing, that alone is sufficient to quash it. But, my Lord, I desired that my witnesses might be called over, in order that I might have a fair and free trial, that if any of them did not attend, I might have a caption granted by the court; and that is an objection which is not to be done away so easily. I have not heard the answer of the court to that.

Lord Justice Clerk. Have you any arguments to offer as to the relevancy of the indictment? if you have, you must mention them now.

Mr. Margarot. If your Lordships will give me leave to state the objection about the witnesses afterwards, then I say, this libel states, that by the Laws of this Realm, Sedition is a crime of a heinous nature. I beseech your Lordship, to point out the Law which makes Sedition a crime, and also, that which shews the punishment that is due to it. I understand that some people think Sedition so well understood, as not to need explanation. I differ from them—I say it is not merely the authority of a judge that is sufficient—he must lay his finger upon the Law Book and point it out to the Subjects, that they may know where to find it when they are not before the judge. Is there any Law in the British Constitution, which points out Sedition, and affixes the punishment to it?

My Lords, in page three of the indictment are these words, which I understand to be taken from the Gazetteer. This is an excellent motion, and the event which it alludes to, ought to be the tocsin to the friends of liberty to assemble. In the Gazetteer it is, the friends *to* liberty—here it is the friends *of* liberty. Therefore, that *is* a flaw in the indictment, which quashes it at once.

My Lords, if you go according to justice, these are valid objections; but if you think proper to repel them—if it is only to state an objection, and as soon as stated it is repelled, you may do

do as you think fit; but, if I have not impartial juſtice done me, I will ſit down, not make any defence, but deſire you to diſband the jury, and paſs ſentence.

Lord Juſtice Clerk. Have you any thing further to ſay as to the relevancy?

Mr. Margarot. It is irrelevant in toto. Then, my Lords, again, at the concluſion of this libel I come back with my firſt objection —I ſee at the beginning and the end, and it is not a mere matter of form—no Act of Parliament can do it away, or if an Act of Parliament can do it away, why is not the Letter, as well as the Spirit of the Act maintained. It ſays here, all which, or part thereof, being found proven by the verdict of an aſſize before our Lord Juſtice General, Lord Juſtice Clerk, and Lords Commiſſioners of Juſticiary. It ſays ſo at the beginning—it ſays ſo at the end. My Lords, this is an inaccuracy that cannot be overlooked, it muſt not be overlooked; and, as you thought proper to repel it in the firſt inſtance, I urge it again in the ſecond; it is a flaw in the indictment. There are three flaws, which I think ſufficient to quaſh the indictment entirely.

Lord Juſtice Clerk. Have you any more objections to make?

Mr. Margarot. No, my Lords, three are as good as three thouſand.

Mr. Solicitor General. My Lords, in anſwer to what has fallen from the Pannel, his objections are ſo extravagant as hardly to merit an anſwer. The only appearance of any thing like a legal objection is this: the gentleman ſays he is accuſed of Sedition, and calls upon us to point out where Sedition is made a crime, and by what Law, and what is the puniſhment affixed to it. My anſwer to that is, that Sedition was made a crime not by any ſtatute, but by the common Law of Scotland, and if the gentleman wiſhes for authority, I refer him to the book called Regiam Majeſtatem, where Sedition is expreſsly ſtated to be a crime, and I would tell him, that it is there declared to be puniſhable as treaſon. That is in the oldeſt book that we have upon the Law of Scotland. Since that, Sedition has not been puniſhed as treaſon, but remained upon the footing of the common Law, puniſhable by what is called an arbitrary puniſhment. As to a definition of Sedition, your Lordſhip knows there are many crimes of ſo complex and ſo vague a nature, that it is hardly poſſible to give a general definition to comprehend them all. If I am called upon to give a definition of high treaſon, I don't know any that I could give, except by enumerating all the different caſes of treaſon; or, ſuppoſe I was called upon to give a definition of falſehood or forgery, there are twenty different kinds of it; no definition can comprehend the whole. So alſo, I imagine it ſtands with regard to Sedition. At the ſame time, if a definition is wanted of the crime charged againſt that gentleman, I will read him Mr. Erſkine's definition of it in his firſt Inſtitute: He divides it into two parts, real Sedition and verbal Sedition; he ſays,

ſays, real Sedition is generally committed by convocating together a conſiderable number of people without lawful authority, under pretence of redreſſing grievances to the deſtroying of the public peace. Then he ſays, general Sedition is inferred from the convocation of a number of people without lawful authority, tending to diſturb the peace of the community. Is not this the very crime charged againſt this gentleman? if there was any lawful authority, the gentleman will tell us what it is. Can there be a doubt, that if the facts ſtated in this indictment be true, they not only tended to diſturb the peace of the country, but to ſubvert the Conſtitution of Great Britain. Therefore, taking the charge as it ſtands, there cannot be a doubt with any of your Lordſhips that it does amount to a charge of Sedition, and that Sedition is a crime puniſhable by the Law of this country? If there is any other country in the world, where Sedition is not made a crime by the common Law, I wiſh theſe gentlemen next time they hold Britiſh Conventions would meet in that country, for in Scotland, I will aſſure them, there is a Law to puniſh them.

Mr. Margarot. My Lords, I hold in my hand a definition of Mr. Erſkine's, a little differing from what the gentleman has read; he ſays, "it conſiſts in raiſing commotions or diſturbances "in the ſtate; it is either verbal or real. Verbal Sedition or "Leaſing making, is inferred from the uttering of words, tend-"ing to create diſcord between the king and his people," and I think it is that gentleman who is guilty of Sedition, inaſmuch as he ſeeks to alienate the hearts of the ſubjects from their ſovereign. He ſays, "it was formerly puniſhed by death and the "forfeiture of goods, but now either by impriſonent, fine, or "baniſhment, at the diſcretion of the judge." Now it ſeems to me, that that cannot be the Sedition which this gentleman means, for if I underſtand rightly, the Sedition I am charged with, is ſomething like that of Meſſrs. Muir, Palmer, and Skirving. Now if their Sedition had been the Sedition that is meant here, they would have been puniſhed by baniſhment and not by tranſportation; and therefore, there muſt have been ſome trifling miſtake in that, my Lords. Now it ſays here, "for pre-"venting riots and tumults it is enacted, that if any perſons to "the number of twelve ſhall aſſemble, and being required by a "magiſtrate or conſtable to diſperſe, ſhall nevertheleſs continue "together for an hour after ſuch command, the perſons diſobey-"ing ſhall ſuffer death." Therefore, that cannot be the Sedition that I am charged with, for the indictment only pretends to know, what I am ſure the Almighty never commiſſioned the Lord Advocate to enquire into, namely, our ſecret intentions. I did not know before that there was an inquiſition in Scotland, and that he was Grand Inquiſitor; for certainly otherwiſe, the minds of the people are only to be gathered from their behaviour.

My Lords, theſe meetings I will maintain were legal in the ſtricteſt ſenſe of the word; for the claim of rights entitles the

people to petition Parliament; and it is impoſſible they could petition Parliament without meeting. The general will cannot be collected as you gather taxes from door to door. Good God! what has become of the Conſtitution that you trumpet up ſo much, if you give us the name and take away the eſſence? if the people are not to meet to examine their rights, and proceed upon their rights.

My Lords, there is not one ſo bareſaced as to pretend to deny our right to petition or addreſs the King. The Lord Advocate himſelf has acknowledged, that it is our right. He himſelf is a reformer, and has held ſeditious meetings as well as us; but then indeed he brings forward a curious reaſon: when the Lord Advocate is out of place, reform is proper; when in place, it is highly improper; and that is the doctrine of Mr. Pitt. Becauſe we are poor, it is ſedition in us; but when your County Meetings are held, it is no longer ſedition; but it is a thing that is authorized. As long as they thought we were not ſufficiently formidable, and that there was no danger of opening the eyes of the people, ſo long did Juſtice nod; and ſhe only awoke when every man, hearing ſo much talk of the Conſtitution, began to examine what that Conſtitution was. And, to be ſure, it is a curious fiction in law (and you have a great many) by which our happy conſtitution has wiſely guarded the Proſecutor for the Crown; by which means the ſubject may at any time be oppreſſed and perſecuted by the officer of the Crown, and he can obtain no damages, no redreſs whatever. Happy if he gets off; happy if his ſentence does not come out of the pocket of a Miniſter of State. My Lords, our tranſactions have been legal. The illegal actions have been entirely on the part of our proſecutors. We have experienced the fate of general warrants: we have experienced the fate of a State Inquiſition. Good God! has not a man, living under the Britiſh Conſtitution, a right to examine that conſtitution, and to ſay, I am told, that it is the fineſt inſtitution in the world; and yet I feel my pocket emptied daily with taxes; I feel my liberties taken away one after another; and yet I muſt not meet with my neighbours to the number of twelve, to diſcuſs thoſe injuries that I daily feel, and to enquire after the means of obtaining redreſs, but immediately comes a Crown Lawyer, claps the word Sedition upon it, and I am puniſhed. Then another man is charged with Sedition. My caſe is brought forward as a precedent, and therefore he muſt be puniſhed in the ſame way. I ſay, my Lord, if every article in this libel is proved, it redounds more to my honour than any thing elſe: it ſhews me the friend of my ſpecies; it ſhews me the friend of my country; it ſhews that I have done my duty as a good citizen; that I have endeavoured to procure that for every one of my fellow ſubjects that it is our right to enjoy; that I don't wiſh to enjoy a ſingle thing alone, neither place nor penſion; that I don't wiſh to enjoy any thing excluſively, but I

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seek a restitution of our rights, a renovation of our Constitution, as it is said here, by universal suffrage and annual parliaments.

My Lords, perhaps your memories may fail you, for it is some time back when Mr. Pitt, at the Thatched House Tavern, being a young man making his debut in Parliament, a young patriot making his entrée into the world, insisted upon a reform. It was then highly constitutional. My Lords, I have in my hand a resolution entered into at the Thatched House Tavern, on the 16th of May, 1782: "At a numerous and respectable meeting of Members "of Parliament, friendly to a constitutional Reformation, and "of members of several Committees of Counties and Cities." Here, Gentlemen, you see Delegates, here you see a Convention; though a Convention is nothing new in Scotland; because you have had the Borough Reform Convention, and the Lord Advocate is himself upon that list. My Lords, at the Thatched House Tavern were present the Duke of Richmond, Lord Surrey, Lord Mahon, the Lord Mayor. Here you see amongst them the first municipal officer in England, the Lord Mayor, Sir Watkin Lewes, Mr. Duncomb, Sir Cecil Wray, Mr. Brand Hollis, Mr. Withers, the Hon. William Pitt, whom I mean to adduce as an exculpatory evidence, if even the forms of justice are allowed me —the Reverend Mr. Wyvil, Major Cartwright, Mr. John Horne Tooke, Alderman Wilkes, Dr. Jebb, Mr. Churchill, Mr. Frost, &c. &c. all men of learning, who well knew what the Constitution of this country is, and what it ought to be—men who required not to be told what was sedition and what was not—men who would not have risked themselves, if they had not known that they were upon constitutional ground, and they resolve, "That the motion of the Hon. William Pitt, on the 7th instant, "for the appointment of a Committee of the House of Commons, "to enquire into the state of the representation of the people of "Great Britain, and to report the same to the House; and also "what steps it might be necessary to take having been defeated "by a motion for the order of the day"—which is something similar to your repelling an objection of the Pannel, as soon as it is stated—"having been defeated by a motion for the order of "the day, it is become indispensably necessary that application "should be made to Parliament by petitions from the collective "body of the people in their respective districts."—They were not to pour into the House eight millions of petitions, but as many petitions from as many districts as they could collect together, "requesting a substantial reformation of the Commons "House of Parliament.

"Resolved unanimously, That this meeting, considering that "a general application, by the collective body of the people, to "the House of Commons cannot be made before the close of "the present Session, is of opinion that the sense of the people "should be taken." And how is the sense of the people to be taken, I would ask the learned gentlemen of the law, if they are

not

not convened ?—Who is to take the ſenſe of the people, if it is to be done by going round from man to man? and if twelve form a ſeditious meeting, it will come, by and by, perhaps to two or three, and it will be dangerous for one neighbour to ſpeak to another in the ſtreet, or any where elſe indeed ; " that the ſenſe " of the people ſhould be taken at ſuch times as may be conve- " nient during this ſummer, in order to lay their ſeveral peti- " tions before parliament, early in the next ſeſſion, with their " propoſals for a Parliamentary Reformation,"—Obſerve this, men of Scotland!—Obſerve this, Britons! " without which nei- " ther the liberty of the nation can be preſerved, nor the per- " manence of a wiſe and virtuous adminiſtration can be ſecure," and I appeal to you all whether there is not truth and ſound doc- trine in it? " may receive that ample and mature diſcuſſion " which ſo momentous a queſtion demands."

My Lords, it ſeems to have been in the year 1782 a very lauda- ble and a very conſtitutional thing to aſſemble, to meet to con- ſider of the grievances, and to plan a method by which they were to be redreſſed ; in the year 1794, when the very man who planned, who firſt ſuggeſted this, who encouraged the people thereto, under his reign, I may call it, for he is the guide of the helm—the guide in the cabinet, while he is in abſolute power, that ſhall be conſidered as Sedition, which he himſelf firſt ſet on foot, in order to procure himſelf that birth ; and, now he has got it, he has altered his ſentiments!—How ridiculous for a Crown Lawyer to attempt to impoſe upon a Court of Juſtice ; or for any man to ſupport ſuch impoſition, that what was conſtitu- tional in 1782 ſhould be criminal in 1794.—Fellow citizens, and I fear not to call you by that name—we are fellow citizens of one ſociety. By the word Citizen I mean a free man ; a man enjoying all the rights and all the privileges, and paying his quota towards all the expence of Society. I ſay it is an inſolent attempt upon your underſtandings, to endeavour to perſuade you that that which was conſtitutional, that that which was right, that that which was juſtifiable in 1782 ſhould be criminal in 1794. It is true that an Engliſh jury has ſent to priſon a man for only reprinting thoſe Reſolutions. Holt, I think his name is, the printer of the Newark Journal, for reprinting in his paper, which pays a daily tax to government, that which the perſon to whom he pays the tax was the author of. Thus you ſee how Crown Lawyers pervert the conſtitution. With high- ſounding words they diſguiſe the moſt innocent facts; they ſport with the lives, and with that which ought to be infinitely more dear than their lives—with the liberties of his Majeſty's Sub- jects. Men who feel wrongs cannot feel them without ſome degree of acrimony, and when thoſe wrongs are repeated, this acrimony muſt increaſe ; and theſe wrongs are done them in the King's name ; but it is not the King, it is his ſervants who make uſe of his name ; his ſeditious ſervants who ſeparate the King

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from his people. My Lords, I know my doom. I am a willing and an already devoted victim. I have made objections, those objections have been repelled. I shall insist presently on the calling over of my witnesses. I shall then demand a caption against such as do not appear. If my just, my legal, my constitutional demands are repelled, I will sit down; I will beg the Gentlemen of the Jury not to give themselves any further trouble; I will protest against the proceedings of the Court, and beg of them to pass to sentence; which I know it will be no difficult matter for them to do.

Lord Henderland. My Lords, we are called upon to decide upon the relevancy of this indictment, which charges in the major proposition, that the crime of sedition, in this and every other well governed realm, is a crime of a heinous nature, and severely punishable. And, my Lord, the first part of it (to which it might be sufficient to confine myself at present) charges that this Society, calling themselves the British Convention of Delegates of the People, met under the pretence of Reform; that it was of a dangerous and destructive tendency, and was with the deliberate and determined intention to disturb the peace of the community, and to subvert the present constitution of the country; and that this gentleman, Maurice Margarot, did take an active and distinguishing part in their deliberations; and consequently, that he took an active and distinguishing part in the deliberations of a Society, met with a determined purpose to overturn the Constitution; that is the charge, true or false it is not our province at present to enquire; that must be left to the Jury. The criminality does, to be sure, consist in, that they met with a determined purpose to overturn the Constitution; and the Jury, when they come to decide upon it, must take into their view the several things charged in this indictment, relative to this meeting. As to the form that they assumed, how far that was necessary to obtain a reform in Parliament, it is the province of the Jury to enquire; and under all the circumstances of the case, to lay their hands upon their heart, and upon their great oaths to say what was the purpose of that meeting, according to the facts before them. My Lord, if that is made out which is the charge, and in considering the relevancy, I am, bound to hold the charge as proved, there cannot be a doubt that it amounts to sedition. I say it approaches to high treason: and I find in the cases tried in England, in 1745, it appears from Judge Foster's Report, the charges laid against the prisoners were very little different from those contained in the present indictment. It ran in these terms: "Also devising and as much "as in them lay, most wickedly and traiterously intending "to change and subvert the rule of government of this king-"dom, duly and happily established under our present Sovereign "Lord the King, and also to depose and deprive our said pre-

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" ſent Sovereign Lord the King of his title," and ſo on. Now, my Lord, the charge is, that the purpoſe of this meeting was to ſubvert the Conſtitution; and if it was, where can the doubt be, that it does amount to Sedition. My Lord, I leave it to the ſenſe of every man who hears me, if an intention to ſubvert the Conſtitution of a country is not Sedition. In matters of criminal law you muſt go by the underſtanding and the ſenſe of mankind, and in this inſtance particularly the Jury are to determine upon the law as well as the fact.

My Lord, with reſpect to Sedition it is of various kinds; no doubt its general tendency is to reſiſt and undermine, or attempting to reſiſt and undermine the Conſtitution of the country, and ſubvert the ſupreme power of the ſtate. It may either be of a public or a private nature. When of a private nature, it is directed againſt matters of a private life, it may be in direct oppoſition to acts of parliament, with reſpect to incloſures, diviſion of commonalties, turnpikes, and ſo on. But of a public nature is the crime which is charged againſt this Gentleman: an intention to ſubvert the Conſtitution. My Lord, ſedition may be attended with tumult or without: with riſing in arms, or without riſing in arms. My Lord, ſedition of a public kind, is as various as the ingenuity of wickedneſs can ſuggeſt. It may be committed by words, by writing, by painting, by medals, by allegories, by actions, by falſe inſinuation, by falſe argument, by tumult and inſurrection, by mobs, by cabals, by open and ſecret meetings; by conſpiracies and by conventions. If the Jury are ſatisfied in their minds that the intention of this is to overturn the Conſtitution, it is Sedition. My Lord, it was ſaid that there was no law againſt this. As to that, my Lord, every well regulated government muſt make it Sedition; becauſe otherwiſe ſociety could not exiſt. It always has been, and muſt remain a common law crime, and muſt be puniſhable by common law.

My Lord, having ſaid ſo much, I think there can be no doubt that the Libel is relevant. The Pannel is at liberty to ſtate what he pleaſes in his defence. To inſiſt it was for a partial reform by legal means, and that nothing elſe was meant by this extraordinary guiſe that this convention took upon themſelves to aſſume; the Jury will, upon the whole, judge whether this defence or whether the charge is relevant. In the mean time it is my humble opinion that it is relevant.

Lord Eſkgrove. My Lord, as to the crime of Sedition, I cannot read the Indictment, nor I think any body elſe, and ſay that if this man was concerned in holding theſe meetings, for the purpoſe of diſturbing the peace of the community, and ſubverting the conſtitution of the country, that that is not the crime of Sedition. My Lord, it is not the province of ſuch men as theſe to take upon themſelves the amendment of the Government. The intention of their meeting, they ſay, was to obtain univerſal

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ſuffrage; or, in other words, to eſtabliſh that every man living in this country is to have a vote to chooſe a Repreſentative in Parliament; a thing that never did obtain, and that does not now obtain, and never can obtain in this country. But, my Lord, it ſeems that if an act ſhould take place for the purpoſe of ſuppreſſing ſuch illegal meetings, that this is to be their tocſin, and their alarm bell for the purpoſe of meeting, when, where, or how, is to be kept a deep ſecret—it is not to be divulged even among themſelves; but it was to be confined to this gentleman, and two or three more, who were to call a Convention of Emergency, and they were to continue to aſſemble, and not to obey ſuch act if it ſhould paſs. My Lord, if the charges in this Indictment are proved, it is impoſſible to deny my aſſent, that they do infer the crime of Sedition. I am of opinion that this libel is revelantly laid. I ſhall be exceedingly happy, if this gentleman is found innocent; but that lies with the Jury, and not with us.

Lord Swinton. My Lord, the queſtion that is now under our conſideration is, whether this libel is relevant to infer the pains of law. And, my Lord, it has been ſo fully diſcuſſed, not only at this time, but upon the occaſion of a very late trial, that it is perfectly unneceſſary to go over the ground again that has been already gone over. But, my Lord, in this caſe the indictment, ſtates, that a motion was made, upon which the Pannel ſays, "This "is an excellent motion. The event which it alludes to, ought "to be the tocſin for the friends of liberty to aſſemble." My Lord, this is a very ill choſen word. What is this tocſin? It is an inſtrument made uſe by the people in France to aſſemble. It is borrowed from a place from which I would wiſh to borrow very little. For what purpoſe are they to aſſemble? They ſay to aſſert their rights. By what means? can any man be at a loſs to make the anſwer? By violence and outrage, and no other interpretation can be given to it. My Lord, afterwards a propoſal is made for a ſealed letter to be given to the Delegates, which was not to be opened till a certain period: like an order that is ſometimes given to ſhips when they ſail, that they are not to open their inſtructions till they come to a certain latitude; and the meaning is, that thoſe inſtructions ſhall not be known, for fear they ſhould be prevented. There can be no other reaſon; and yet they afterwards ſay, we make no ſecrets of any thing. Then there is a reſolution, that this Convention, conſidering the calamitous conſequence of any act of the Legiſlature, which may tend to deprive the people of their undoubted right to meet, declare before God and the world, that we ſhall follow the wholeſome example of former times, by paying no regard to any act which ſhall militate againſt the Conſtitution of our country. Is not this declaring that they will oppoſe the Legiſlature itſelf? My Lord, it does not require any proof of its being Sedition. Then, my Lord, among other caſes of emergency, on

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which they were to meet, it is mentioned, " or in case of an in-
" vasion." My Lord, for what purpose were they to meet privately, in case of invasion? The Legislature, the executive part of government is to look after that. Every man must feel what they meant: that they should assemble the Delegates altogether at a particular time, and all at one time they should meet, in case of an invasion. My Lord, I gave my sentiments very fully this day se'nnight upon the same question, and I have not altered them, but feel them stronger and stronger. I am sorry to see so many examples brought before us, and I hope there will be but few more; I am of opinion that the libel is relevant.

Lord Dunsinnan. My Lord, the only question at present for our consideration is, whether the libel is relevant and is laid properly. My Lord, the major proposition states the crime of Sedition: the minor proposition specifies a variety of circumstances, which, if they come up to the crime of Sedition, the libel is relevant; and, my Lord, I have but one doubt upon this subject; and that is, whether in some of these particulars it is any thing short of the crime of high treason; but I think that it amounts to Sedition, there can be no doubt; and I think that the ordinary interlocutory ought to be pronounced.

Lord Abercrombie. My Lord, in this case, as to the objections to the relevancy it is the province of the Jury to enquire into the facts charged; and if those facts are brought home to this Pannel; particularly the resolutions, if they are brought home to him, I think the necessary conclusion is, that he is guilty of the highest species of Sedition that can be possibly committed. I am of opinion that the libel ought to be found relevant.

Lord Justice Clerk. My Lords, I think it very unnecessary to add any thing to what your Lordships have said; but I think any man who knows any thing of the law of Scotland; or that has the least understanding, must think that the one half of what is charged here, if true, does amount to Sedition; and therefore I have no doubt in pronouncing the ordinary interlocutory, that the libel if found proven to the knowledge of an Assize is relevant, to infer the pains of law, which, the Jury will attend, is only an arbitrary punishment, and allowing the Pannel to prove all facts and circumstances that may tend to exculpate or alleviate his guilt.

Mr. Margarot. My Lords, I may now put in my former claim, of having my witnesses called over.

Lord Justice Clerk. Surely both Prosecutor and Pannel ought to see that their witnesses are all here. Let the Macer go now and see that they are here.

Mr. Margarot. And likewise that the Court and the people at large may be informed the reason why I have not the privilege of having you as an exculpatory evidence, in consequence of the fear of the Messenger to deliver such a summons to you; that is a thing proper to be known.

Lord

Lord Juſtice Clerk. If you have any thing that it is neceſſary for me to prove, you ſhall have the benefit of my teſtimony, and you ſhall not want it neither.

Lord Abercrombie. I am ſure if the Meſſenger has refuſed to cite your Lordſhip, he has behaved moſt improperly.

Mr. Margarot. I think his name is Horcheſon; he ſaid he would be ready in Court to give a reaſon why he refuſed to do it.

(The interlocutory of the Court read.)

Mr. Margarot. There is likewiſe another thing: you did not take notice of the two objections to the wording of the indictment, which are material flaws. Your Lordſhips have not ſaid a word to that.

Lord Juſtice Clerk. The court have conſidered all you have ſaid, and they are of opinion, upon the whole, that the libel is relevant.

Mr. Margarot. Here is the liſt of my witneſſes, my Lord.

(The Meſſenger was called but did not appear)

Mr. Margarot. You will be informed, that ſome of my witneſſes live in England, that I have had the exculpatory letter ſerved there, with what is called a ſubpœna in England and the affidavit at the back of the exculpatory letters, now in the hand of the Clerk of the Court, ſhews that they have been cited in a legal manner, and therefore, as they are material witneſſes, I wiſh the liſt of them to be called over.

(The liſt being called over, the following perſons were abſent)

Duke of Richmond	John M'Intire
Henry Dundas	John Wright.
William Pitt	

Lord Juſtice Clerk. As to the three that reſide in England, this Court cannot go beyond their juriſdiction: they cannot compel any witneſs living in England to appear here; and therefore a caption againſt witneſſes reſiding in England, is a thing altogether incompetent and unheard of.

Mr. Margarot. Your Lordſhip's objection is not valid, as will appear to yourſelf upon reflection, inaſmuch as if you are not competent to give a ſecond citation, you was not competent to the firſt. On the contrary, it appears that the letters of exculpation found no difficulty in being backed by a Judge in England, and the ſubpœna was ſerved upon them according to the laws of England; and therefore, by a ſecond diligence, they will be purſued in the ſame manner; and that will be backed by a Judge, and the ſame compulſion will be excerciſed upon them in England as would be in Scotland, if they reſided here.—And, my Lord, I will not permit this to be paſſed over eaſily, they are very material evidences—they are men of high ſtation in the ſtate—they are men of great reſponſibility—they are men whoſe actions are public, and the queſtions that I mean to put to them

 are

are of a very important nature.—There is again another thing —it seems you overlook somethings and pry very closely into others—it seems you are not competent to enforce the attendance of a witness from England, but it appears, by the libel, that you are competent to try offences committed in England. My Lord, mete with an equal measure—let my objection be attended to in a proper manner. It is a legal objection, founded in justice; and justice cannot deny it.—Grant me a caption for my absent witnesses. I demand it.

Lord Henderland. My Lords, if witnesses resided in Scotland within our jurisdiction, and did not attend, a caption might be granted; but my doubt is, whether it is competent to the Court to grant a second diligence, because in this case it must be altogether nugatory.

Lord Eskgrove. My Lords, I don't know an instance existing, either in the civil or criminal courts, of a warrant being granted to bring a witness from England, to apprehend him by Habeas Corpus; that is the only jurisdiction we can exercise. My Lords, I understand in England it is not an easy matter to obtain witnesses, before their own courts; but of that I profess myself ignorant: but I know of no instance in which this court have taken cognizance of the non-attendance of witnesses, resident in a foreign country; for England, with respect to the law, is as much a foreign country, as Germany, Italy, or any other country.—

Lord Swinton. By our laws we cannot grant a caption against a witness from a foreign country, and we cannot go beyond our power. It is clear to me, that it was not our fault that they did not attend—as to those that are lawfully summoned here, we can lay a fine upon them.

Lord Dunsinnan. My Lords, this Court ought not to be treated with contempt, and therefore your Lordships would be careful to issue no warrant that you cannot enforce. The authority of this Court cannot go beyond their jurisdiction, which is confined to Scotland.

Lord Abercrombie. By the laws of this country we have no authority over persons residing in any other country.—

Lord Justice Clerk. We cannot possibly differ upon this matter:—it is a downright absurdity, to issue a second diligence against witnesses residing in another country.—I am sorry for it; but he has got a fair trial by the laws of this country.—As to what dropped from the Pannel just now, he must be very much mistaken, if he thinks he is tried for a crime committed in England: that is by no means the case; he is tried for what he did after he came to this country; but it was very proper, in order to shew the intention with which he came here, to state the fact, that he came as a delegate from a Convention of the same kind in England; but it is for the crime that he committed in this country alone, that he now stands at the bar.

Mr.

Mr. Margarot. My Lords, I don't require the forms of juſtice, I require the eſſence of juſtice —It ſeems that a Pannel is entitled to the ſame compulſory method of adducing witneſſes in his favour, as the proſecutor has to adduce evidence againſt him.—Now general warrants have been iſſued to adduce evidence againſt me:—general warrants, I ſay it, have been iſſued to adduce evidence againſt me.—Now I demand nothing more than the regular forms of the Court, that your caption may be granted, and ſee whether they will obey the laws of their country or not.—And I am ſorry to hear it come from the Bench, that it would be nugatory; which implies, that there are men in England above the law.—Look to it, my friends—where is your boaſted Conſtitution?—If the firſt man in England is not as amenable to the laws of the country as the meaneſt of you, you are ſlaves.

Lord Juſtice Clerk. You come here to ſpeak to the Court, and not to harangue the mob.

Mr. Margarot. Do you call this audience a mob, my Lord?

Lord Juſtice Clerk. You are not to harangue the multitude.

Mr. Margarot. I underſtand that the Judges have harangued the multitude too, and they have gone into a ſeries of accuſation againſt me, which I did not know was a part of the duty of a Judge who ought *jus dicere*, not *jus facere*. It has been ſaid too, that England is as much a foreign country as Germany or Italy;—that I don't underſtand—if this country is as foreign as Germany—don't talk, for God's ſake, of the Engliſh Conſtitution; it does not belong to you—It is your duty, my Lords, to grant me in whole what you offer me in part.—As to thoſe that reſide in Scotland, you ſay we can puniſh them, but not thoſe in England; and yet you could cite thoſe that were in England: and it was backed by a Judge in England; and if you grant a ſecond diligence, the ſame form will be gone through again; and if, after a certain time, for I do not wiſh to avoid a trial—no, I wiſh to come before my country, as every good citizen ought, to obey the laws of his country; and I do it with a conſcious heart that I am totally innocent, and that I deſerve praiſe inſtead of blame or puniſhment;—therefore, I ſay I will concede to you a part of the juſtice that I demand.—I have exculpatory witneſſes of great importance, living in England, cited by your authority; in conſequence of that authority it has been ſupported by the Engliſh Judges—the Engliſh Judges will ſupport your authority in a ſecond inſtance.—Let them be cited;—let a proper time be given me, and if they don't appear at the ſecond citing, I will conſent to go to trial without them. But, my Lords, let juſtice take place;—remember you have, in the courſe of this trial, to praiſe the Conſtitution, it will be told the people how happily they live under it—how free and happy every man is living under his own vine and his own fig-tree. Let it be proved; let it be proved that a Court of Juſtice does every thing in favour of the Pannel, as much as in favour of the Proſecutor. The objections

that

that I made have been repelled; but they will be noticed in a ſuperior Court.—There is a Court ſuperior to your's, and there muſt be, in every well regulated government, an appeal to a ſuperior Court, from whence the abuſes of the ſervants of the Crown may be rectified.

Lord Juſtice Clerk. I think you ſeem to be unacquainted with the laws of any well governed ſtate, and if you were not a foreigner and a ſtranger, we would not have ſuffered you to have ſaid one half of what you have ſaid.

Mr. Margarot. I demand a caption.

Lord Juſtice Clerk. The court have repelled it.

Mr. Margarot. Oh! very well, my Lords,—however permit me one queſtion, and I will put it to the generoſity of the public proſecutor to anſwer it. My Lord Advocate, is it in your power or not to bring a witneſs on the part of the proſecution from England, upon your honour anſwer me?

Lord Advocate. No more than you can.

Mr. Margarot. Does not an outlawry extend to England?

Mr. Solicitor General. For a crime it certainly does, but not as to a witneſs.—Suppoſing a Scotchman to be tried before a Court in England, and in place of ſeeking the aſſiſtance of ſome Engliſh Counſel, as he ought to do, he were to utter things of the ſame kind that this Pannel has done, I doubt whether he would be heard with the ſame patience with which your Lordſhip has heard him.

Lord Juſtice Clerk. Do you wiſh a caption againſt thoſe two witneſſes who reſide in Scotland?

Mr. Margarot. No, my Lords,—I don't wiſh to puniſh two poor men, and let three rich men go unpuniſhed.—There is another thing which I believe takes place before the impannelling of the Jury, which reſpects the opening of the doors of this place. In looking over the claim of rights, in the 27th chapter, I find it is ſaid, that in criminal trials, which are of ſo great import, the doors of the Court ſhall be thrown open.—I demand therefore that the doors of this place may be opened, in order that the people may partake of what paſſes.

Lord Juſtice Clerk. It would be a very pretty opening, I think.

Mr. Margarot. The doors are ſhut, and I underſtand it is the cuſtom of the door-keepers to take money, which is contrary to the laws of the land.

Lord Juſtice Clerk. That you have no buſineſs with.

J U R Y.

James Gordon, Brewer in Edinburgh.
Thomas Hotchkis, Brewer.
Samuel Gilmour, Ropemaker.
James Clark, Farrier.
James Mill, Tanner.

Lord Juſtice Clerk. Do you object to any of theſe Gentlemen?

Mr. Margarot. I have no perſonal objection, but I muſt beg

to

to know by what law you have the picking of the Jury, and that you alone have the picking of them.

Lord Abercrombie. His Lordship is not picking but naming the Jury, according to the eſtabliſhed law and the eſtabliſhed Conſtitution of the country; and the gentleman at the bar has no right to put ſuch a queſtion.

William Smith, ſtabler.
Charles Robertſon, painter.
John Balfour, merchant.
John Wilſon, coachmaker.
William Ainſlie, ſadler.
William Pirnie, architect.
Samuel Anderſon, banker.
Robert Burns, architect.
Macduff Hart, ſhoemaker.
John White, merchant.

Evidence for the Crown.

(William Scott, called in.)

Lord Henderland. Have you any objection to this witneſs?

Mr. Margarot. According to the method in which you proceed, it appears to me very needleſs to make objections; otherwiſe, undoubtedly, my Lord, under the Britiſh Conſtitution, acting up to the ſpirit of it, that witneſs is not competent; he is a dependant, or hanger on upon the public proſecutor, and in fact, acts as deputy public proſecutor; you may repel it or not as you pleaſe.

Lord Juſtice Clerk. I dare ſay, your Lordſhips will pleaſe to repel that objection.

(The witneſs ſworn.)

Q. Do you recollect on the evening of the 5th of December laſt, going to apprehend the Pannel for examination?—*A.* I do.

Q. Was you preſent when he was brought up for examination?

A. I employed Lion, the meſſenger, to apprehend him, and was preſent at the Sheriff Clerk's office, when he was examined.

Q. Did he upon that occaſion make a declaration?—*A.* He did.

Q. Did he appear to be ſober and of ſound mind, at the time he emitted that declaration?—*A.* Yes.

Q. Freely, and without compulſion?—*A.* Yes.

Q. Did you ſubſcribe your witneſs to that declaration?

A. I did.

Q. Look if that is your ſubſcription.

A. That is the declaration.

Q. Were any papers at that time produced, claimed by the Pannel?

A. The officer who executed the warrant reported to me, that he found Mr. Margarot and Mr. Gerald in the ſame room, that

that he had taken into his poſſeſſion ſeveral papers, part of them he deſcribed to be Mr. Gerald's, part of them to be Mr. Margarot's; they were put into a trunk together, this trunk was brought to the office, and after he was examined, he was deſired to give the key, that it might be opened; he declined to do ſo, upon which we applied for a warrant to have the trunk opened, which was carried into execution; it was inſpected in the preſence of Mr. Margarot and Mr. Gerald. He was brought to the office upon a ſecond warrant, and Mr. Gerald alſo attended, he refuſed then to give it up without force, and he held it in his hand and ſaid, I will not give it up, but you may take it; he ſaid, he would not witneſs the trunk being opened, and turned round and looked out of the window. Upon the trunk being opened, there were ſome articles that did not relate to the buſineſs in hand, particularly a pocket-book of Mr. Margarot's, and ſomething of Mr. Gerald's, which were reſtored; and thoſe that were conſidered relative to the buſineſs were entered into an inventory.

Q. Did you ſubſcribe that inventory?—*A.* I did.

Q. Do you know that to be the ſame (ſhewing him the inventory)?

A. This is the ſame, it is ſigned by Mr. Gerald and me on every page, but Mr. Margarot declined ſigning it.

Q. Did you at that time identify the papers that you found?

A. I did.

Q. Will you take the trouble of looking over theſe papers, and ſee if they are the ſame, and go through them accurately?

A. The firſt is a paper containing two letters ſigned William Skirving.

Q. Theſe are the papers Mr. Margarot claimed as his?

A. Yes.

The ſecond is a manuſcript of a plan for ſupporting the Gazetteer, ſubmitted to the conſideration of the friends of the people, which is ſigned in the ſame manner.

The third, is a bundle of papers tied up, and labelled papers for the Committee of Union.

The fourth, is a letter dated the 15th November, 1793, ſigned Thomas Hardy, ſecretary, addreſſed to Citizen Margarot and Citizen Gerald, delegates.

The fifth, is a letter from ditto to ditto, 22d November, addreſſed Citizen Margarot and Citizen Gerald.

The ſixth, is another letter, the 29th of November, addreſſed to Maurice Margarot and Joſeph Gerald, delegates.

The ſeventh, is another letter from Thomas Hardy, dated the 28th November, addreſſed to Mr. Margarot and Mr. Gerald, delegates from London.

The eighth, two pages of manuſcript, beginning, organization of primary aſſemblies, aſſembled for the purpoſe of electing repreſentatives.

The ninth, a manuſcript entitled the conſtitution, and in it were

were found other papers relative to the regulations to be adopted in the Convention.

Q. Have you now gone through the articles claimed by Mr. Margarot?—*A.* Yes.

Q. Were there several articles claimed by Mr. Gerald?

A. Yes.

Q. Were they identified in the same manner?

A. They were.

Q. In the declaration you heard emitted by the Pannel, of the 5th of December, did he refer to any motion?

A. If your Lordship will cause the declaration to be read, I shall be better able to tell you.

(The declaration handed to the witness, who reads it.)

Q. Was there any reference to a motion?—*A.* Yes.

Q. Was any paper found in the Pannel's possession?

A. There was a paper found when Mr. Skirving was apprehended; then amongst other papers this motion was found, and when this gentleman was examined, this paper was shewn to him, and the question stated in the declaration put to him; it was found in the possession of Mr. Skirving, the secretary to the Convention, upon the same morning that Mr. Margarot was taken up.

Q. Did you put any mark upon that paper, by which you should know it again?

A. Yes, I put my initials upon it; it is a motion signed by Mr. Margarot and seconded by John Wardlaw.

Q. At the time the secretary's papers came to be inspected in your presence, was there a paper discovered amongst them, bearing to be the minutes of the Convention?—*A.* There was.

Q. Did you put any mark or subscription upon that at the time, so that you should know it again?—*A.* I did.

Q. Did you look through it?—*A.* I did read the whole of it.

Q. How were these papers of the secretary brought before you?

A. By a warrant. The papers were found sealed in the secretary's house, and were brought in that situation to the Sheriff Clerk's office, and they were there with the rest.

Q. Did you attend the magistrates of this city on the evening of the 5th of December, when they went to disperse this convention?

A. No, I did on the 6th, the Convention had assembled; the Provost went along with the sheriff's substitute, Mr. Davidson, and the magistrates, and I accompanied them upon that occasion. I found Mr. Margarot standing by a table, and the chair was standing empty. The first thing that I heard was, Mr. Margarot said, they were met for a constitutional purpose; they were going to petition either the King or Parliament, I cannot say which; and it was said by somebody, that they could not proceed to business till the chair was taken: Mr. Margarot was

called

called upon to take the chair, which he accordingly did. Mr. Davidson asked, if it was the British Convention? upon being told it was, he told them that they came for the purpose of dismissing them, and that they should not proceed to any business; the answer was, that they would not till force was used, and particularly the Pannel said, that he would not leave the chair, as he was then discharging his duty, till force was used; to that Mr. Davidson said, he supposed any thing that had that appearance would be satisfactory, and took Mr. Margarot by the hand, upon which he left the chair: upon his leaving the chair, there was a call for Mr. Gerald to take the chair, which he accordingly did, and the same form was used with regard to him: Mr. Davidson took him by the hand, and it was then called out that they never dismissed without prayer, and Mr. Gerald prayed and then came out of the chair; it was then said by somebody, that though they were now dismissed, they would remember that they were permanent, that they had voted themselves permanent the night before.

Q. Did this happen the day after the Pannel had been examined before the Sheriff, and liberated upon his finding bail?

A. Yes.

Q. Was it on account of a charge of seditious practices of the same nature that he was brought before the Sheriff?

A. It was for being a member of that Convention.

(William Scott cross examined by Mr. Margarot,)

Q. By virtue of what authority did you employ Lyon, the messenger, to arrest me?

A. By virtue of a warrant which I had obtained from the Sheriff of Edinburgh, as Procurator-Fiscal.

Q. Was that warrant granted at your requisition?

A. It was.

Q. Now answer me seriously one question: from whom did you receive the order to apply for that requisition?

A. That certainly has not any connection with the present business; and I think I am not bound to answer that question.

Q. It has, Sir! and you must answer it, as you appear before God at the great day. *(The witness hesitated).*

Mr. Margarot. My Lord, I must have the protection of the Court.

Lord Justice Clerk. I don't think it proper he should tell who gave the information.

Lord Abercrombie. I am of the same opinion.

Lord Elkgrove. He acted as Procurator-Fiscal of Edinburgh, and therefore he is no more liable, or bound to say, who was his private informer, than my Lord Advocate is.

Lord Dunsinnan. It is entering into an investigation which the Pannel has no right to make.

Lord Swinton. I am of the same opinion.

Mr. Margarot. My Lords, I hope I have not put an improper question:

queſtion: I know it is cuſtomary at Venice; they have a lion's mouth to receive all private ſecret information, but I did not know that it was ſo here; I thought that juſtice was open.

Lord Abercrombie. I am ſorry to obſerve, that from the beginning of this trial, the Pannel has betrayed the groſſeſt ignorance of the laws of this country; and I muſt regret that he has not had the advice of thoſe who know better; but if he is to object to things in this way, I truſt he will do it, for his own ſake, in a decent manner.

Mr. Margarot. Then I am to underſtand that the reception of ſecret information, is a part of the laws of the country. The officer found Mr. Gerald and me in the ſame room?

A. I was told ſo; but that is only from report.

Q. Where was that room; at the Black Bull?

A. Yes; I was told ſo.

Q. At a public inn?—A. Yes.

Q. Was the door locked?—A. I cannot ſay.

Q. How do you aſcertain that thoſe papers were mine which you have juſt now produced?

A. I have told all that I can; it was from Mr. Gerald's and your own pointing them out.

Q. I underſtand you have ſaid that I emitted a declaration: a declaration, if I underſtand it rightly, is a certain verbal acknowledgment?

A. A declaration may be negative, and it is ſtill a declaration.

Lord Juſtice Clerk. You may make a declaration that you are innocent as well as that you are guilty.

Mr. Margarot. It would have much the ſame effect. What reaſon did I allege for refuſing to emit a declaration?

A. I don't recollect.

Q. In the courſe of your practice do you know any law which enforces a private interrogatory?

Mr. Solicitor General. If the gentleman is an attorney, as I am told, I ſhould like to know whether he would be ſuffered to go on in this way in the courts of Weſtminſter-Hall?

Lord Juſtice Clerk. It is certainly not a queſtion fit for the witneſs to anſwer.

Mr. Margarot. Have you any mode of diſtinguiſhing thoſe papers found in my trunk from thoſe that belonged to Mr. Gerald in the ſame trunk?—A. I cannot ſay.

Q. Then it may happen that you may have intermixed a paper of Mr. Gerald's and a paper of mine?

A. No; they were taken down diſtinctly, and marked with your own initials in your own preſence.

Q. Who arranged the papers?

A. I arranged them in your preſence; I took them out at leaſt.

Lord Juſtice Clerk. Did you not ſay, the Pannel picked out his papers and Mr. Gerald his?

 A. Yes;

A. Yes; there was a paper put in, and all below that belonged to the Pannel.

Q. Did I not obſerve to you at the time, that being in an inn, we could not be anſwerable for what papers were found in our room?—A. I dare ſay you did.

Q. Did I not ſay, that even the meſſenger might bring that paper, if he thought proper, and huſtle them into the trunk at once?—A. So you did.

Q. By what means are you certain, that the papers which you found in Mr. Skirving's poſſeſſion were minutes of the convention?

A. From various circumſtances; but I ſubmit again to the court, whether it is proper to anſwer that?

Lord Juſtice Clerk. Yes; you muſt give anſwers to legal queſtions.

A. The minutes were eſtabliſhed to be minutes of the Convention, by ſome of the members.

Q. You accompanied the Sheriff to Mr. Laing's room.

A. Yes.

Q. Did I ſay any thing to you at the time?

A. Yes; you was the firſt perſon that called to me, handed me a motion, and deſired I would read it; I told him I had nothing to do with it: it was a motion to petition the King, or ſomething of that kind.

Q. Do you recollect the Sheriff Subſtitute ſaying, that he acted by orders?

A. I cannot ſay; but he certainly told you, he came for the expreſs purpoſe of diſmiſſing that meeting, and that you muſt do no buſineſs as a Britiſh Convention.

Q. Did I not ſpeak to you; and you afterwards anſwered me, that you was doing your duty?

A. Yes; by attending the Sheriffs.

Q. You ſay that the meeting ended with prayer; can you recollect that prayer?—A. I cannot.

Q. Does beginning and cloſing a meeting, for obtaining a reform in Parliament, with prayer, apply to the word Sedition?

Lord Juſtice Clerk. That is a very improper queſtion.

Q. Did the petition for the warrant ſtate, that I had met with others in Laing's workſhop, that I had been forced from the chair, that we had ſaid that we were aſſembled for petitioning a reform of parliament, and cloſed with prayer? Was that warrant which took me up then the ſame as before?

A. The warrant could not mention it, becauſe the petition was two days before the warrant was obtained; it could not mention that which did not take place for two days afterwards.

(Harry Davidſon ſworn.)

Q. Do you recollect the Pannel being brought before you the 5th of December for examination?—A. I do.

Q. Did he at that time emit a declaration in your preſence?

A. He

A. He did.

Q. Did he do it voluntarily, and without compulsion?

A. Yes.

Q. Was he sober, and of sound mind?—A. Yes.

Q. Did you subscribe that declaration?—A. I did.

Q. Look and see if that is it.—It is the same.

Q. Is there any reference in that declaration to a motion?

A. Yes.

Q. Was there a paper found in the secretary's possession which appeared to be that motion?—A. Yes.

Q. Did you put any mark upon the paper so as to know it again?—A. Yes; this is it.

Q. Do you recollect any other papers having been produced at that examination or afterwards?

A. There were no papers produced that day; the next day there were papers taken from a trunk of his, of which an inventory was made, which I identified.

Q. Was that trunk brought along with him?—A. Yes.

Q. Was he asked for the key of that trunk?

A. Yes; and he declined giving it up.

Q. Was there any seal put upon it?

A. Not in my presence; I understand there was.

Q. When it was opened the following day, was any inventory made of the contents?—A. Yes.

Q. Were there any papers other than those claimed by the Pannel?---A. Yes; papers belonging to Mr. Gerald.

Q. Were those claimed by the Pannel separated from those claimed by Mr. Gerald?

A. Yes; and an inventory was made of both, and they acquiesced in both.

Q. And was it done in their presence?---A. Yes.

Q. Did you subscribe that inventory?---A. Yes.

Q. Did you likewise put any mark upon the articles which it contains?---A. Yes.

Q. Did you compare those articles which have your superscription with the articles which are in the inventory?

A. Yes; it was only those that were relating to the business in hand that were put in the inventory. *(Examines and compares them.)* They are all marked by me.

Q. Do you recollect why Mr. Margarot was liberated?

A. Upon finding bail.

Q. What was the nature of the charge against him for which he was brought before you for examination?

A. For seditious practices, as being a member of the meeting calling themselves the British Convention of the Delegates of the Friends of the people.

Q. Do you recollect to have gone in the execution of your duty to a wright's shop on the south side of the town, the 6th of December, with a view of dispersing this meeting?---A. I did.

Q. Be

Q. Be ſo obliging to mention to the Court and Jury what paſſed when you ſo went to that meeting.

A. It was on Friday evening, the 6th of December, I went and attended the Lord Provoſt, with the magiſtrates of the city; a great number of people were aſſembled in a wright's ſhop, and I went immediately up to the table, where I ſaw ſome people whoſe faces I recognized; Mr. Skirving, Mr. Brown, Mr. Margarot, and ſeveral others; I aſked what the meeting was? I did not get a direct anſwer; I aſked if it was the Britiſh Convention? One of the members, and I think it was Mr. Margarot, ſaid that it was; I told him that I was Sheriff Subſtitute for the county, and that I came there to diſperſe that meeting, which was an illegal one, upon this ſome converſation took place; and I think Mr. Margarot was the man who ſpoke moſt on account of the Convention; he ſaid, they were met peaceably, that it was a legal Conſtitutional Meeting, and that they were then met for a petition to Parliament. I told him, that my reſolution had been taken before I came there; that I came with a determination to diſperſe that meeting; that no words were neceſſary, no argument that they could uſe could alter my determination: ſome more converſation took place. Mr. Margarot, finding I was determined upon it, ſaid that he would take the chair, with the approbation of the meeting, which was then empty; accordingly upon this, he was unanimouſly called to the chair: I think before he took the chair, he ſaid, the meeting would not diſperſe without force was uſed; I told him, I hoped it would be unneceſſary to uſe force, but if it was neceſſary, I ſhould certainly make uſe of it. He took the chair, and finding they would not diſperſe without ſome force, I took him by the arm, which he conſidered as force, and he came out of the chair; immediately upon his doing ſo, Mr. Gerald, another of the gentlemen preſent, took the chair; I told him I really thought that it was improper that another perſon ſhould do the ſame thing, if they were all to take the chair one after another; I hoped they would not think that neceſſary; however I took the ſame method of forcing Mr. Gerald from the chair that I did Mr. Margarot: Mr. Gerald then made an extempore prayer, and left the chair. Mr. Margarot, amongſt other things that he mentioned, ſaid, the meeting of the Convention had declared themſelves permament. I told him it might be ſo, but I was determined they ſhould not meet within the county where I had a juriſdiction. I think they called out for the gentlemen to diſperſe, and by degrees they diſperſed: and I ſaw the laſt perſon out, and ſaw the door locked, and took the key.

Q. You ſaid you recognized ſeveral perſons; among others, the Pannel at the bar, and Mr. Gerald; how came you to recognize the Pannel particularly?

A. Becauſe

A. Becauſe he had been before me the night before, and had been examined upon the charge I have already mentioned.

Q. You had granted bail? A. Yes.

(Harry Davidſon croſs examined by Mr. Margarot.)

Q. How are you ſure that the motion which you found in the poſſeſſion of Mr. Skirving is in my handwriting, as you have declared it to be?

A. I did not aſſert that it was your handwriting, at leaſt I did not mean to ſay ſo.

Q. Did I not give one uniform reaſon for declining to emit a declaration, for refuſing to give up the key of my trunk, and for aſſerting the right of the Convention to meet; did I not ſay, that the proceedings againſt them were illegal?—A. You certainly did.

Q. Did I not aſk you, why you would interrupt us in our legal proceedings? and did you not anſwer me, that you acted according to order? Remember, Sir, that you are upon your oath.

A. I cannot ſay that I recollect, whether I ſaid by order; as Sheriff ſubſtitute of the County, I acted by my own authority; I do not recollect the preciſe words I may have uſed, but I was certainly acting as Sheriff of the County.

Q. What could induce you to think that a meeting like that was illegal?

Lord Juſtice Clerk. That is not a proper queſtion.

Mr. Margarot. It only hinges upon another. Did you ſee at the time of your entrance there, any confuſion, riot, or diſorder?

A. I did not.

Q. Did you on the contrary, perceive the buſineſs of the evening carried on with regularity?

A. There was but little buſineſs going on after I came in, Mr. Gerald was upon his legs ſpeaking, and I certainly interrupted him.

Q. Was prayer called for?

A. It was. I do not know whether it was not you that ſaid it was not uſual that the meeting ſhould depart without prayer; and I believe I gave conſent that prayer ſhould be made.

Q. O, you did conſent to that? Do you recollect the ſubject of the debate?

A. I think you, or ſome other perſon, put into my hand a ſmall piece of paper, upon which was wrote a petition to Parliament, which you ſaid was the ſubject of the—

Mr. Margarot. Of the order of the day.

A. That the purpoſe of their meeting was to petition Parliament.

Q. I hope the order of the day is not an offence, becauſe I believe it is made uſe of ſometimes in the Houſe of Commons.

Counſel for the Crown. The witneſs has ſpoke of the motion referred to in the declaration. Was there any paper found in

Mr.

Mr. Skirving's poſſeſſion, which was entitled Minutes of the Convention.

A. There were a number of things found in Mr. Skirving's poſſeſſion; amongſt which, a ſcroll of the Minutes of the Convention.

Q. Should you know it again?—A. Yes.

Q. Look at that and ſee if that is it?—A. It is.

Mr. Margarot. How are you certain that theſe are the minutes of the Britiſh Convention.

A. I can only ſay, that theſe are papers which were found in Mr. Skirving's poſſeſſion, and they were acknowledged to be ſo by various people, who were examined before me; that is the only reaſon I have: I did not ſee them in the Convention.

Q. There is another queſtion which I hope your Lordſhips will not think improper. In your office as Sheriff, have you to the beſt of your judgment acted according to the laws of your country, or have you acted by ſuperior orders?

A. I certainly would execute no orders, unleſs I was certain they were according to the laws of my country.

Q. Am I to infer from hence, that you received orders?

Lord Juſtice Clerk. It is not a proper ſubject of evidence.

Mr. Margarot. I put myſelf under your correction at the time I ſtarted the queſtion; however, it may not be amiſs that the queſtion was ſtarted, though it is not anſwered.

Joſeph Mack ſworn.

Q. Do you recollect being preſent when Mr. Skirving, the late Secretary of the Convention of the Friends of the People, was brought before the ſheriff for examination?—A. Yes.

Q. Were there certain bags of papers brought along with him for inſpection?—A. Yes.

Q. Was you preſent when thoſe bags were opened?

A. I was, when they were put into the inventory, which was very ſoon after or immediately after they were opened.

Q. Was Skirving preſent?—A. Yes.

Q. Do you recollect among other papers found in this bag, one being found, entitled the Scroll of the Minutes of the Convention?—A. Yes.

Q. Was it in your hand, that you had an opportunity of obſerving it at that time?

A. I both ſaw it then, and at Mr. Skirving's houſe; they were carried in a bag from his houſe to the ſheriff clerk's office, and there entered into an inventory—that is the paper.

Q. And you now recognize it as the ſame?

A. (Looks over it) Yes, it is the ſame.

Joſeph Mack croſs examined by *Mr. Margarot.*

Q. You act as notary, do you not?—A. No, I do not.

Q. Or

Q. Or as clerk to the sheriff?

A. Yes, writing clerk to the sheriff.

Q. Did you hear me protest against the illegality of all the proceedings which had taken place?

A. You offered to make a protest, but it was refused to you.

Q. You are certain that I offered to make one?—A. Yes.

Q. A written one?

A. I do not recollect whether it was written or not: I think it is probable it was, but I cannot say—I was not a notary.

James Lyon called.

Mr. Margarot. I have objections to that witness, on account of certain expressions of his, and I have a witness now attending to prove those words. I don't know whether that witness should be brought in at present to prove this, or whether it should be kept back till the witnesses for the prosecution are gone through.

Lord Justice Clerk. What do you propose to prove?

Mr. Margarot. That he considered himself as my enemy; these are nearly the words, I look upon myself to be your enemy; or something to that effect.

Q. Can you condescend upon any reason, why he should have any enmity to you?

Mr. Margarot. I have not the skill of other people; I cannot dive into mens hearts; I find him a very officious time-serving man.

Lord Justice Clerk. He must answer that question upon oath, whether he has any malice or ill will.

(Sworn.)

Lord Justice Clerk. Look upon the pannel at the bar; have you any malice or ill-will against that person?

A. None at all.

Q. Did you ever say that you were his enemy?—A. Never.

Lord Justice Clerk. You may ask him the question again, Mr. Margarot.

Mr. Margarot. I would wish to have my witness produced in court; it is not my asking him the question merely, Do you not recollect saying one day that you considered yourself as my enemy?—A. Not at all.

Lord Abercrombie. The court have uniformly laid this down as a rule, that no general charge of a witness making use of an expression of that nature shall be sufficient to invalidate his testimony, and for this reason, that it would put it in the power of every witness whatever, if he wished to favour the pannel, to disqualify himself by uttering some vague expression of ill-will.

Lord Eskgrove. What are you?—A. A messenger.

Lord Advocate. Did you execute a warrant against the pannel?

A. Yes.

Lord

Lord Advocate. And againſt any body elſe?

A. Yes; Mr. Gerald.

Q. Where was you informed theſe perſons reſided?

A. At the Black Bull.

Q. Were you to take into your cuſtody any papers that you found?—A. Yes.

Q. At what time in the morning was it?

A. To the beſt of my knowledge about ſeven o'clock.

Q. Tell the court and jury what paſſed.

A. I aſked for ſuch gentlemen, I aſked for their rooms; the waiter declined ſhewing me, but told me the number of their rooms; I went into the room where Mr. Gerald and Mr. Margarot were; they were each in ſeparate beds in the ſame room.

Q. Did you tell them you had a warrant againſt them?

A. Yes; then I went to Mr. Sinclair's room, and locked up all Mr. Margarot's papers, and Mr. Gerald's and Mr. Sinclair's alſo; Mr. Margarot ſaid he would put his papers into a little trunk, which I did not object to.

Q. Did he accordingly do ſo?

A. He aſked Mr. Gerald if he would put his in, upon which he agreed to it, and the papers were put in; and when I was away and came back for them, he ſaid he would not give them me; I ſaid I would take them; he ſaid I might take them at my peril, and I ſaid I ſhould not make any ſcruple about it.

Q. Did the key remain in his poſſeſſion after the paper was taken away?

A. Yes, the trunk was locked and he kept the key.

Q. Did you take the trunk and him with you to the ſheriff's?

A. Yes, and Mr. Gerald.

Q. Was you preſent when the trunk was opened and the contents examined?—A. I was.

Q. Did the pannel agree to open the trunk himſelf, or was it opened?

A. The next day when he was before the ſheriff, he held the key in his hand; he ſaid he would not give it up, but we might take it from him; upon which the ſheriff ſubſtitute deſired me to take it from him, which I did; the trunk was then opened and inſpected.

Q. Were thoſe belonging to the pannel diſtinguiſhed from thoſe belonging to Mr. Gerald?

A. Each of them claimed ſeparately what belonged to himſelf.

Q. Was there any inventory made of thoſe papers?

A. Yes.

Q. Did you put any mark upon thoſe papers?—A. I did.

Q. Look at thoſe papers deliberately, and ſee if they are the ſame?

A. *(Examines and compares them with the inventory.)* Yes, they are the ſame; they have my initial.

Q. When

Q. When you went to the Black Bull had you any aſſiſtants with you?

A. Yes, John M'Donald and Neil M'Glaſhan were both in the room along with me.

James Lyon croſs examined by *Mr. Margarot.*

Q. You found us in bed?—*A.* Yes.

Q. Did we ſhow any diſpoſition of reſiſtance, or rather teſtify the greateſt alacrity to go with you?

A. You ſhewed no diſpoſition to make any reſiſtance; you did not refuſe to come along with us.

Q. Did we make you wait long in dreſſing?—*A.* No.

Q. Did you ſhew us the warrants?

A. No, nor you did aſk it.

Q. Did we never aſk you to ſee the warrant?—*A.* No.

Q. Where did you find the papers in the room?

A. I found ſome upon the top of the drawers' head, ſome in the drawers, and ſome out in a trunk.

Q. Were the drawers locked?—*A.* No.

Q. Was the door of the room locked?

A. No, I knocked at the door, and you deſired me to come in, and of courſe I opened the door.

Q. Were the papers in a ſtate of arrangement when you took them off the drawers, and out of the drawers?

A. No, by no means.

Q. Were they not rather confuſed?

A. Yes; they were a little confuſed.

Q. Were there ſome in one place, and others in others?

A. Yes, ſome I got out of the trunk, and ſome in the drawers, and ſome off the drawers.

Q. Were there papers in more than one drawer?

A. I believe there were; I cannot ſay.

Q. But the drawers were not locked?

A. I believe not; at leaſt I broke none of them open.

John Macdonald ſworn.

Q. Did you go along with Mr. Lyon, the meſſenger, to aſſiſt him to execute a warrant againſt the Pannel at the bar, on the 5th December laſt?---A. Yes.

Q. Where did you go?

A. To the Black Bull, at the head of Leith Walk.

Q. Tell us, as far as you recollect, what paſſed upon that occaſion?

A. I went into the houſe, and ſtood there till the door was opened; Mr. Lyon went in; he went up the ſtair, and this gentleman and another were in the bed-room, but had not got their clothes on, and we ſtood at the door till they were ready;

and Mr. Lyon took what papers he could find, and they were put into a trunk; the trunk was locked, and he put the key in his pocket, and there was a coach at the door; and I took down the trunk, and put in the chaise, and he came along with us, and I got at the back of the chaise, and went to the Sheriff Clerk's Office, and left the trunk at the office.

Q. You have mentioned what passed in the room, and the manner in which the papers were put in the trunk; now, did the Pannel himself put any of the papers in?

A. Yes; he was helping.

Q. Did Mr. Gerald likewise assist to put the papers in the trunk?

A. Yes; Mr. Gerald's papers were put in first, and then Mr. Margarot's, and then the trunk was locked and carried to the Sheriff Clerk's Office.

John Macdonald, cross examined by *Mr. Margarot.*

Q. Could you at that time discriminate which were my papers and which were those of Mr. Gerald?

A. I can neither tell which were yours, nor which were his; but, it is my opinion, your's were put in first.

Q. Were the drawers locked?—A. No.

Q. You did not see a key in those drawers?—A. No.

Q. Was the room door locked?

A. No, it was open when I came in; you was apprehended, I dare say, before I came in.

Q. Were the papers put into the trunk tied up in parcels or loosely?

A. Some were tied up, and some were loose.

Q. Did we tie up any of them before you

A. I did not see any string tied on them.

Q. Who took them out of the drawers?

A. Mr. Lyon took them out.

Q. Do you recollect the reason why Mr. Lyon would not shew me the warrant?

A. You did not insist upon shewing it much.

Q. Did he shew it? and remember you are upon your oath.

A. I cannot recollect.

Q. You well recollect that I asked him to produce it?

A. Yes.

Q. And you are not certain that he did shew it?—A. No.

Q. But you perfectly recollect that I asked him to shew it?

A. Yes.

Thomas Coburn called.

Lord Justice Clerk. Have you any objection to this witness?

Mr. Margarot. No, my Lord, he looks honest. (*Sworn*).

Q. Are

Q. Are you a member of any of the Societies of Friends of the People?—A. I was.

Q. Was you a Delegate from that ſociety to the Britiſh Convention?

A. Yes, I was a member of both.

Q. Did you attend regularly their meeting?

A. My buſineſs did not allow me a regular attendance, but I attended as often as I could.

Q. Do you recollect, during your attendance at thoſe meetings, whether there was any ſubdiviſion, any ſmaller meetings that the Convention was divided into?—A. Yes.

Q. What were they called?

A. The firſt name they got, was Diviſions; but they were afterwards called Sections.

Q. What terms did the members of the Convention generally addreſs each other by?

A. The terms were different; but the general term was, Citizen.

Q. Do you recollect that you had different Committees appointed in that Convention for the forwarding of buſineſs?

A. I don't recollect ſeveral Committees.

Q. But ſome?

A. I have heard ſome mentioned.

Q. And what were they called?

A. That that I recollect moſt, at preſent, was the Committee of Union.

Q. Did you ever hear of a Committee of Secrecy?—A. Yes.

Q. A Convention of Emergency?

A. I don't recollect the hearing of that.

Q. Do you recollect hearing the term organization mentioned?—A. I don't remember.

Q. Had you primary aſſemblies to refer to?

A. I cannot ſay.

Q. How were your meetings called?

A. It was generally called the Britiſh Convention.

Q. But when you met on a particular night, and talked about it the next day, what name did you give it?

A. The Britiſh Convention.

Q. Did you ever uſe the name of ſittings?

A. Yes, frequently.

Q. You ſay you attended as often as your buſineſs permitted?

A. Yes.

Q. Have you had occaſion to ſee the pannel there?

A. Yes, frequently.

Q. Did you ever ſee him act as Preſes or Chairman at theſe meetings?—A. Yes.

Q. Did you ever hear him move any reſolutions at theſe meetings, of any kind?

A. I

A. I have very frequently heard Mr. Margarot ſpeak; but unleſs ſome particular reſolution be mentioned, I cannot ſay.

Q. Do you recollect at any time, any motion or propoſal for a Committee of Union?

A. No; I was not preſent then.

Q. Do you recollect his having delivered a ſpeech, at any of the meetings you have attended, that had any relation to a Convention Bill?—A. I don't recollect.

Q. With any reference to ſuch a bill as had paſſed in Ireland?

A. No.

Mr. Solicitor General. Do you remember a motion being made by Mr. Calendar?—A. Yes.

Q. Do you remember any thing what it was about?

A. I remember one of the motions, about the people meeting in defence of their liberties, in caſe of any bill being brought into Parliament, ſimilar to a Convention Bill in Ireland againſt the Conſtitution of the country.

Q. What did Mr. Calendar propoſe that your Convention ſhould do in that caſe?

A. I recollect a motion of that import being introduced, and that Mr. Calendar acknowledged the motion as his; but as to any thing relative to that motion, I do not know.

Q. Was you preſent when the motion was made?

A. There was a rule in the Convention, that no motion ſhould be diſcuſſed the ſame night on which it was made; I was preſent when it was brought in by Mr. Calendar.

Q. What was it that Mr. Calendar propoſed ſhould be done in caſe ſuch a bill ſhould be brought into the Britiſh Parliament?

Mr. Margarot. I object to that queſtion, as it reſpects Mr. Calendar, and not me.

Mr. Solicitor General. It is charged in the indictment againſt this very pannel; and, therefore, I will repeat the queſtion. What was it that Mr. Calendar propoſed ſhould be done, in caſe it ſhould be brought into the Britiſh Parliament?

A. That the people ſhould meet to aſſert their right, ſo far as I recollect.

Q. Was there any debate upon it that night?

A. It is a rule that there ſhall be no debate when a queſtion is propoſed.

Q. Was you preſent when it was diſcuſſed?

A. Not when it was diſcuſſed in that ſhape in which Mr. Callendar introduced it; but I was when it was amended: ſo far as I recollect, the ſpirit of Mr. Calendar's motion was retained; but it was very much extended: there was a propoſal of what, in certain events, ſhould take place. I don't clearly remember the circumſtances about it; but it was a motion for a Secret Committee, in caſe thoſe events ſhould take place.

Q. Was

Q. Was it propoſed that the Convention ſhould aſſemble in certain events?

A. Yes, it was, that they ſhould meet in a certain place, in certain events.

Q. Now, be ſo good as tell us what thoſe events were, as far as you remember them?

A. The one already named, was that of a bill being brought into Parliament ſimilar to the Convention Bill in Ireland; as to the other, I cannot remember.

Q. Was any thing ſaid about the ſuſpenſion of the Habeas Corpus Act?—A. I think there was.

Q. Was there any thing ſaid about the repeal of the Scotch Act, 1701, of wrongous impriſonment?

A. I don't recollect that.

Q. Was any thing ſaid in caſe of an invaſion of foreign troops?

A. I think I remember that.

Q. Was any place fixed upon for the meetings? how was that determined upon?

A. There was a motion that a place ſhould be fixed upon by a Secret Committee; they were to find out a way of letting the Delegates know of it.

Q. Was it not to be publiſhed?—A. No.

Q. Was it to be told them immediately, or only told them when that emergency ſhould happen?

A. There was a mention of a ſealed letter to be given to each Delegate.

Q. Who made this motion with reſpect to the place of meeting?—A. I cannot recollect.

Q. Read that paper.

The witneſs reads it.

"Citizen Margarot propoſed the following motion: That a Secret Committee of three, with the Secretary, be appointed to determine the place where ſuch Convention of Emergency ſhall meet; and ſuch place ſhall remain a ſecret with them, and with the Secretary of this Convention; and, that the Delegates ſhall, at the breaking up of the preſent ſeſſion, be entruſted with a ſealed letter, containing the name of the place of meeting. This letter ſhall be delivered unopened to their conſtituents; the receipt of which ſhall be acknowledged by a letter to the Secretary, preſerved in the ſame ſtate, until the period ſhall arive at which it ſhall be deemed neceſſary for the Delegates to ſet off. This motion was ſeconded by Citizen Moffat."

Q. Is that the motion?

A. To the beſt of my recollection there was a motion of a ſimilar import to that.

Q. Do you know who were the Members of this Secret Committee?

A. I recollect ſome of them.

Q. Was Mr. Margarot one of them?

A. To

A. To the beſt of my recollection, he was one of them.

Q. Do you remember Mr. Margarot making any ſpeech to the Convention before he had made his motion?—A. I do not.

Q. Do you remember his ſaying any thing at all about its being a toeſin?—A. I do not.

Q. You remember that the caſe of the Convention Bill was one of the caſes of emergency?—A. Yes.

Q. And of the ſuſpenſion of the Habeas Corpus Act?

A. I heard that mentioned.

Q. You alſo recollect ſomething about an invaſion being mentioned?——A. I think I do.

Q. Did you hear any propoſal during the time you attended this meeting, that this Convention ſhould act in caſe they ſhould be diſperſed?——A. Yes.

Q. Who made that motion?

A. I do not recollect at preſent.

Q. Do you think Mr. Margarot made a motion of that kind?

A. It runs in my mind that he did; but I cannot ſwear that it was him.

Q. Did you hear Mr. Margarot make any ſpeech that had a reference to that caſe?

A. I think I recollect ſomething of Mr. Margarot ſpeaking as to the propriety of ſuch a thing.

Q. Are you ſure?

A. I cannot be particular; but there is a conceit in my mind that he did.

Q. Do you remember Mr. Sinclair making a motion of that kind?——A. I think I do.

Q. Do you remember any thing particular about the paſſing of that?

A. So far as my recollection ſerves me, we were pretty unanimous.

Q. Do you recollect all the Convention ſtanding up at the time they paſſed it?——A. Yes; I think I do.

Q. Did it contain any particular expreſſions of their declaring before God and the world that they would do ſo and ſo? Do you recollect that that made a part of the motion?

A. Certainly theſe words were mentioned, but I am not certain whether it was the decided reſolution of the Convention or not.

Q. Do you remember whether this motion, or the reſolution of the Convention, bore any thing that they declared before God and the world that we ſhould follow the wholeſome example of former times?

A. I cannot ſay; I don't remember it.

Q. Did it ſay any thing about paying no attention to a Convention Bill if it ſhould be paſſed?

A. I think there was a mention of ſomething ſimilar to this, but whether it was made a part of the final reſolution of the Committee,

Committee, I cannot tell: there was a great deal of looſe expreſſions made uſe of.

Q. Did you hear any thing ſaid in the Convention about burning that reſolution of Sinclair's?

A. No, I heard nothing of that.

Q. Did you hear any thing ſaid about burning any of the other motions?

A. I don't recollect; they ſeemed to be confident of what they were doing, and were not acting under the apprehenſion of fear.

Q. Was there any thing ſaid about deſtroying or not inſerting it in the minutes?—A. I don't recollect.

Q. At the time this Secret Committee was appointed, was there any oppoſition made to it?—A. I don't recollect.

Thomas Coburn croſs examined by *Mr. Margarot.*

Q. It ſeems you are a member of the Britiſh Convention?

A. I was.

Q. What is your profeſſion?

A. My profeſſion is partly a manufacturer in the weaving line, and partly a merchant.

Q. Do you pay any taxes?—I do.

Q. Do you find theſe taxes heavy?

A. I have very often thought them very heavy.

Q. You are a member of the Friends of the People?—A. Yes.

Q. What was your reaſon for joining the Friends of the People?

A. The reaſon was, a thorough conviction of the neceſſity of a Reform in the Britiſh Houſe of Commons.

Q. What was your reaſon of accepting the office of delegate in the Britiſh Convention?

Q. It was to help forward that great and grand object that ſo forcibly ſtruck my mind.

Q. Did you mean to help it forward by legal means or force of arms?

A. Force of arms was never mentioned in the Convention, and it is the laſt thing that I ſhould wiſh, to ſee a drop of blood ſpilt in the cauſe.

Q. In the Britiſh Convention did you ever ſee any tendency to have recourſe to open force?

A. It was diametrically oppoſite to my views to have the leaſt recourſe to open force, nor was it the ſubject of diſcuſſion in the Convention.

Q. Have you heard of a committee of Union?—A. Yes.

Q. What was to be the purport of that Committee of Union?

A. So far as I recollect, the deſign of that Committee was to draw up regulations, by which the people of England and Scotland

land, of the same sentiments, might join in their endeavours to obtain that object.

Q. You have heard of a Convention of Secrecy likewise?

A. Of a Committee of Secrecy I have.

Q. Have you ever seen it customary in any Clubs, if you ever belonged to any, that there should be a certain degree of trust reposed in a small number of confidential men, who should form a Committee and retain some secrets to themselves, not to be divulged to the world? Have you ever witnessed any such thing, or does it strike you as an unprecedented thing?

A. So far from striking me as an unprecedented thing, that it strikes me upon many occasions as a necessary thing, prudentially to keep secrets of every society when it is necessary for their interest.

Q. Have you ever heard of a Committee of Organization in the Convention?—A. Yes, I think I have.

Q. What was the drift of that Committee of Organization?

A. What I conceive to be the direct design of the Committee was to form rules, by which the Convention might regulate themselves in their present and in their subsequent meetings, if they should see occasion for any.

Q. Do you think that the Committee of Organization did not likewise refer to the internal regulation of the Convention?

A. As I meant to express in my last answer, I considered the committee of Organization to refer chiefly to the internal affairs of the Convention, and with respect to future Conventions, if there should be such.

Q. It seems that you have heard that meetings of the Convention were at times called sittings; do you imagine that that expression was adopted as borrowed from a neighbouring country, or that is was an expression which followed of course, and to which we are thoroughly accustomed in the English language?

A. However the reading of newspapers might lead us to make use of terms, I cannot say; but it was certainly a word that it was very natural to make use of.

Q. You have seen me act as Press?—A. Yes.

Q. That word is Latin, is it not?

A. I am very little acquainted with Latin; I meant President.

Q. You are sufficiently acquainted with it to know that at present Rome is the seat of the Pope, are you not?

A. We have no doubt of that.

Q. Consequently if there is any criminality in adopting a French word, do you think there is not an equal criminality in using a Latin one?

A. These things appeared to me to be so trifling, that I did not think it worth my while to make any objection to them: some were of French origin, and some of British, and some of Latin; but I did not think it worth while to make any objection to it.

Q. You

Q. You have heard of a motion propoſed by Mr. Caſſender; you were preſent when it was originally moved, that the people ſhould meet to aſſert their rights in the Convention?

A. Aſſert their rights, were the words, to the beſt of my recollection.

Q. What do you underſtand by a Convention?

A. What I underſtand by a Convention is a meeting of men for any purpoſe that they propoſe.

Q. Are the men who meet in Convention ſuppoſed to be delegated by a larger body of men?

A. I cannot pretend a particular diſquiſition of theſe points, but it ſtrikes me ſo.

Q. By the word Convention, and meeting in Convention, did you underſtand a peaceable aſſembly of men aſſembled to deliberate, or did you underſtand by it, an aſſembly of men going to adopt violent meaſures, and to carry them into execution themſelves?

A. What I underſtand by Convention was, that they met with a ſincere and hearty deſign to promote the good of the country, by a thorough reform in the Britiſh Houſe of Commons, and that they meant to do this by peaceable means.

Q. Do you imagine there are ſufficient abuſes at preſent in the legiſlature of this kingdom, to legalize our attempting to addreſs them by petition, or any form that might be legal and conſtitutional?

A. I have already ſaid that I am deeply impreſſed with the idea of the neceſſity of it: I ſee the moſt glaring abuſes in it.

Q. Do you imagine that if a Convention Bill was to be paſſed, or was even to be brought into the Houſe of Commons, that it would not ſhew a diſpoſition in the Houſe of Commons to extend their privileges, and to encroach upon our rights?

A. Such a Bill has always ſtruck me as ſapping the very foundations of Civil Liberty; and, indeed going beyond the power of the legiſlators themſelves, to deprive the people of their natural rights.

Q. You ſay it is your opinion that there are already ſufficient grounds for the good people of this country to demand a Reform in Parliament; do you think thoſe grounds would not be increaſed by two ſuch events as the bringing in of a Convention Bill, or a motion for ſuſpending the Habeas Corpus act, which is one of the greateſt privileges a ſubject of Britain enjoys, or the Bill for preventing wrongous impriſonment; do you think that would not make a very conſiderable addition to our complaints?

A. I am ſatisfied in my own mind, that it would increaſe the grievances of the people, and be like a grave-ſtone to their liberties.

Q. In what light did you look upon the members of the British Convention? Did you look upon them as a turbulent set of vagabonds, or did you look upon them as a body of men delegated by some of their fellow subjects for a certain purpose, and that these men so delegated were industrious, peaceable, creditable men?

A. Their design, I have to reason no call in question, was the good of their country: as to characters, there is always a mixture in all assemblies; but I believe, taking the whole together, there was a great degree of respectability with respect to characters.

Q. Then they did not appear to you to come under the description of *swine, rabble*, or *wretches?*

A. As the friends of their country, I believe not.

Q. When is the propereſt time for men to assemble and deliberate? It in time of danger, or prosperity? It appears that the Convention was to assemble in this manner, in the moment that an invasion of foreign troops should take place in Great Britain. Do you conceive that to be a time of danger, and calling for the attention of all Britons throughout the island; or do you think it a time for them to sit idle and suffer themselves to be enslaved by a foreign power?

A. I think it is high time that a Reform had taken place, as it ought to have done long since.

Q. When you have any thing that interests you very much, do you publish it all through your house, and different parts of your family, or sometimes keep a secret to yourself in your private affairs?

A. Yes, no doubt; and every person endued with any degree of prudence will find occasion to keep their secrets.

Q. If you had a particular piece of business to do, and that you was apprehensive that a superior power, inimical to your design and to your welfare, would prevent you from doing that particular business at such a place, would you inform that inimical power where you was to meet to do that business?

A. I should certainly do every thing in my power, from common prudence, to keep it from him.

Q. When you send a letter by the post to a friend, do you ever attach any degree of criminality to sealing that letter till he gets into the country, especially if you wish the contents not to be known to him till a certain period?

A. No.

Q. Can you discover any thing of a seditious nature in a Convention standing up to pass a resolution?

A. No.

Q. I find here something which I don't know, whether it is thoroughly assented to by you, that there was a declaration before God and the world, that they would follow the wholesome example

example of their forefathers; what is the characteriſtic of Britons?

A. That they are ſtrongly attached to the cauſe of liberty.

Q. How came we by the Revolution? was it by any exertion of our forefathers?

A. It no doubt was.

Q. How came we by the Magna Charta?

A. So far as I underſtand the ſubject, it was entirely by the ſame means.

Q. Did your forefathers do wrong in ſo exerting themſelves?

A. My opinion is that they did not do enough.

Q. Do you think it impoſſible for a Houſe of Commons to do an unconſtitutional act?

A. There has been many things done in the Houſe of Commons which I ſincerely regret.

Q. We had originally Parliaments, or ſome time back, Parliaments of three years; now by an Act of Parliament they are lengthened to ſeven years; ſuppoſe another Act ſhould make them during life, and a third Act ſhould make them hereditary, do you imagine that would be an unconſtitutional act?

A. It has always ſtruck me as a thing beyond their power to alter or deſtroy the fundamental rights of the people, or any thing that would extend their own power.

Q. Do you imagine that the power originates with the people?

A. I do ſo.

Q. Do you imagine it to be either in the Bill of Rights, or the claim of rights, expreſſed, that the people ſhould be at liberty to meet to communicate to each other their grievances, and plan methods for obtaining redreſs?

A. I have often wiſhed to ſee the Bill of Rights, the Habeas Corpus Act, and all thoſe things; but I have never had it in my power; but in my opinion, the object of all government is the good of the people, and that the liberties of the people ought to be carefully guarded by them.

Q. It appears by what has paſſed here, that the Convention had ſome notion of a God: did they ever pray in their meetings?

A. They did.

Q. Did you ever ſee any diſorderly behaviour there? were they riotous or tumultuous?

A. Conſidering their numbers, they were free of that beyond many meetings that I have ſeen of the ſame number: I ſaw no riotous meetings: there were ſometimes diſputes, but no riots.

Q. As to the burning of the motion, you ſaid they were not acting under the apprehenſion of fear: did you ſuppoſe they could juſtify their proceedings?

A. I

A. I always conſidered, that in the Convention the Members that had occaſion to ſpeak, always ſpoke freely, believing that they had nothing eſſentially ſecret to keep to themſelves, but that their great object was the good of their country.

Q. Did you ever diſcover in the Convention or in the members of it, either in or out of the Convention, any propenſity to ſedition, treaſon, or rebellion?

A. I have always ſaid, that as far as I could diſcover the deſign of the Convention, it was to obtain a thorough Reform in the Britiſh Houſe of Commons, by peaceable and legal means.

Mr. Alexander Aitcheſon ſworn.

Lord Henderland. Have you any malice or ill-will againſt the pannel at the bar?

A. It is impoſſible I ſhould, my Lord: on the contrary, I eſteem him a ſecond Sydney.—I am very much obliged to the public proſecutor, on account of my family, otherwiſe, I would much ſooner appear here as the pannel at your Lordſhips' bar, than as a witneſs.

Counſel for the Crown. Were you a Member of the Britiſh Convention?

A. Yes; of all the three Conventions I had the honour to be a Delegate from the Canongate Society; the Delegates, conſidering themſelves as Delegates for ſix months, adjourned their meeting; but upon account of the coming down of the Engliſh Delegates, they reſumed it again.

Q. That was in November laſt.—A. Yes.

Q. Who were the Engliſh Delegates?

A. There were four or five of them; there was Citizen Margarot, Citizen Sinclair, Citizen Gerald from London, and Citizen Brown from Sheffield.

Q. Now did you act as ſecretary or aſſiſtant ſecretary?

A. Yes; aſſiſtant ſecretary.

Q. Were there a ſcroll of minutes drawn up?—A. Yes.

Q. Look at that, and ſee if any part of it is your hand-writing?

A. Yes; a very great part of it; but there were ſome others who wrote.

Q. Who were they?

A. George Roſs, and afterwards the Convention appointed three aſſiſtants daily.

Q. Who is George Roſs?

A. Clerk in the Gazetteer Office.

Q. This ſcroll of minutes, did they contain, ſo far as you could judge, a fair and diſtinct account of what happened in the Convention?

A. To the beſt of my knowledge and belief they did; I ſhould have been guilty of palming falſhood upon the public and the

the Convention if they did not: but there may have been mistakes.

Q. Were they corrected the day after they were made out?

A. By no means: they were postponed till a future day, till a committee should be appointed to revise them.

Q. Was Mr. Margarot present at these meetings commonly?

A. As far as I observed he was a regular attendant.

Q. Was he sometimes Chairman at the meetings?

A. Once he certainly was.

Q. Look at that: whose hand-writing is it?

A. It is mine *(reads it)*. Citizen Margarot moved that a Committee be appointed to consider of the means, and draw up the outlines of a proper plan for a general union between the two nations, as before proposed.

Q. Did Mr. Margarot make that motion?

A. He certainly did, or I should not have minuted it down: a simple fact like that I cannot be mistaken in; but in a speech, *viva voce*, I might have made a mistake *(reads it again)*; and give me leave to add, I expected from Mr. Margarot's abilities and the spirit of the times, a more perfect system than was made up by a sycophant faction in the reign of queen Anne.

Q. Look at that.

A. *(Reads.)* Citizen A. Callendar moved, That in case the Minister bring into the Commons' House a motion for a Convention Bill, it shall be noticed immediately to the Delegates. The words *shall be noticed immediately to the Delegates*, are in my hand-writing.

Q. Do you remember any discussion in the Convention upon that motion; particularly, did Mr. Margarot speak upon the occasion?

Q. Indeed my memory is so treacherous that I cannot recollect any thing, especially when I am taking notes: if I don't write at all, I remember tolerably well the chief facts, but if I do write, I recollect nothing.

Q. Was there any thing said about that event being a tocsin to the friends of liberty?

A. I never heard the word tocsin mentioned in the Convention.

Q. Do you remember any amendment or alteration upon Mr. Callendar's motion, or if it gave rise to any other motion in the Convention?

A. Such things may have happened, but I cannot recollect.

Q. Do you know of a motion being made by Mr. Sinclair in consequence of, and following up Mr. Callendar's motion?

A. I was absent a variety of nights, when I wished to be present, but particular business kept me away.

Q. But did you hear Mr. Margarot make any motion in consequence of Mr. Callendar's?

A. 'Tis impossible that I can say.

Q. Did

Q. Did Mr. Sinclair make any motion about the Convention meeting on certain events?

A. Yes; there was a motion made, at leaſt I underſtood ſo. I came in one evening pretty late, and Mr. Sinclair, or ſome perſon, had made a motion, and as ſoon as I had taken my ſeat, Mr. Sinclair made a motion, that ſomething that had paſſed before ſhould be burned, and I was ſurpriſed, and got up and oppoſed it, and was ſeconded—upon the ground, that as every thing we had done before was open to the public, we ſhould do nothing ſecret, and therefore the motion was not carried.

Q. Did that motion relate to the Delegates' meeting?

A. I was ſurpriſed and alarmed at any thing being ſecret; but when I underſtood that nothing more was meant by it than merely concealing the place where they were to meet, I thought there was nothing at all in it.

Lord Juſtice Clerk. Did you hear any thing of a Committee of Secrecy?

A. I enquired next day, and was told the nature of it, that it was merely to conceal the intended place of meeting, in caſe of oppoſition, and in caſe of neceſſity.

Q. Did you hear any thing about the Convention of Emergency at all in the meeting?

A. Yes; at the ſections and among our friends.

Q. Read that.

A. *(Reads from the minutes.)* Citizen Margarot read and propoſed the following motion: That a Secret Committee of three, and the Secretary, be appointed to determine the place where ſuch Convention of Emergency ſhall meet; and ſuch place ſhall remain a ſecret with them and the Secretary of this Convention, and that each Delegate ſhall, at the breaking up of the preſent ſeſſion, be entruſted with a ſealed letter, containing the name of the place of the meeting; this letter ſhall be delivered unopened to his conſtituents, the receipt of which ſhall be acknowledged by a letter to the Secretary, preſerved in the ſame ſtate, until the period ſhall arrive at which it ſhall be deemed neceſſary for the Delegates to ſet off; this motion was ſeconded by Citizen Moffat: the greater part of that is my own handwriting.

Q. You ſee ment'on is there made of a Convention of Emergency: now I want to know, as far as you recollect, the caſes in which they were to meet?

A. As far as I recollect, they were to meet in caſe a motion was made in Parliament to bring in a bill ſimilar to that paſſed in Ireland, to prevent our having any meetings.

Q. Was one of the caſes the ſuſpenſion of the Habeas Corpus Act?

A. I don't recollect.

Q. Was the caſe of an invaſion of foreign troops mentioned?

A. Yes.

Q. Do

Q. Do you recollect any other case of Emergency in which the Convention were to meet?

A. I don't recollect any other.

Q. Was there another case, if any attempt should be made to disperse the Convention? was that a case in which they were to meet?

A. I cannot say that I recollect that.

Q. Was you in the Convention the evening before the apprehension of Mr. Margarot and Skirving, and the other persons?

A. I might, very possibly; but I don't recollect I was present that evening after they had been apprehended in the morning.

Q. But do you recollect whether you was in the Convention the preceding evening?

A. I cannot charge my memory with it.

Q. Look at that?

A. The whole of that is written by another person *(reads from the Minutes)*. Citizen Margarot begs leave to bring in a motion, to the effect, that the moment of any illegal dispersion of the present Convention shall be considered as a summons to the Delegates to repair to the place of meeting appointed for the Convention of Emergency by the Secret Committee; that the Secret Committee is instructed to proceed, without delay, to fix the place of meeting; and that the same motion be considered next evening; which was accordingly granted. My Lords, I observe, from the whole of this being written by another person, that I was not present at all that evening.

Lord Advocate. Look at the first of these papers, Number 3. of the general inventory, and tell me if you ever saw it before?

A. *(Reads from the Minutes a motion for a union between the two kingdoms, to demand the restoration of their rights.)* I think it is a most excellent motion, my Lord, and am very sorry it was not followed up.

Lord Advocate. I did not ask you for your opinion, Sir.

A. My Lords, I beg to say, this persecution, and all of them, are for opinions; and I must, before God, in justice to my country, declare, that it is for opinions as well as facts.

Gentlemen of the Jury, 'Tis a prosecution for opinions.

Q. Look at that paper which has your mark upon it.

A. It has, but it is not my writing.

Q. Where did you receive it?

A. From the Convention; I remember reading it from the beginning to the end.

Q. Who is James Gartley?

A. He was Delegate from Glasgow.

Q. Is it your hand writing upon the back of it?

A. Yes; it is.

Q. Had

Q. Had you an opportunity of seeing the newspapers in which the proceedings of the Convention were published to the world?

A. I had an opportunity; but was so extremely hurried at that time with my own business, and that of the Convention, that I could not read them, but laid them by to be a treasure of entertainment at some future time; for four weeks, at that time, I did not read a single article in the Gazetteer.

Q. Have you read them since?

A. Only in the Sheriff Clerk's Chamber; and that seemed to contain a very accurate account.

Q. And corresponded with the Minutes you yourself had taken?—A. Yes.

Alexander Aitche on cross examined by *Mr. Margarot.*

Q. You was a member of the British Convention?—A. Yes.

Q. Was you, prior to that, a Member of the Friends of the People?—A. Yes, long prior.

Q. What was your motive for associating with the Friends of the People?

A. The public good, which I hope I will always have at heart.

Q. What do you understand by the public good.

A. I understand, by the public good, that grievances should be redressed, and every man made as happy as possible.

Q. Had you any specific plan?

A. Yes, we had just two objects; these two objects were, a shorter duration of Parliaments, and a more frequent election of Representatives; because we considered the length of parliaments, and the slow return of elections, to be the two great and fundamental causes of all the grievances which the nation labours under.

Q. What sort of men were these with whom you associated, the Friends of the People? I don't particularly mean what class, high or low, rich or poor; but what morals, what temper, what behaviour; in short, what opinion do you form of them in general?

A. I considered them to be a good, moral, respectable set of people; not respectable in point of riches, but in that respect which will be looked at by the all-seeing-eye of the Almighty; respectable in point of morals.

Q. Did they ever shew any disposition to treason, sedition, or felony?—A. Not that I ever saw.

Q. Was you delegated by a Society of the Friends of the People to the Convention?

A. I was some time.

Q. Did the other Members of the Convention represent a number of men from here?—A. Yes.

Q. Did

Q. Did it appear to you, that the Convention adhered to the ſpirit of reform which was ſet on foot by the Friends of the People?

A. They certainly did, to the beſt of my ideas; and even when they followed up the *primary* idea of ſhorter duration of Parliaments, and more frequent elections, and adopted the idea of univerſal ſuffrage and annual Parliaments, they went certainly no further than the Duke of Richmond and Mr. Pitt had gone before.

Q. You muſt take care not to mention the word *primary*, becauſe it may inculpate me further; for that is one word that is charged againſt me.

A. I conſider all words in our Dictionary lawful to be uſed; and it is a dreadful criſis that we are come to, if a man is to be criminated for a word.

Q. You ſpoke of the Engliſh Delegates; you don't mean that they repreſented the people of England?

A. Certainly, only thoſe who ſent them; I underſtood that Mr. Margarot and Mr. Sinclair repreſented about 5000 people, and Mr. Brown about 5000 from Sheffield.

Q. You have not poſitivey ſworn to the entire ſcroll of Minutes ſhewn to you; ſome part of it you don't acknowledge.

A. I can only ſwear to that that was wrote by myſelf; and ſo far as my ideas led me to think, I was right in writing them.

Q. Though the name of Minutes is given to them, are they, in fact, the Minutes of the Convention till they have received the reviſal of the Committee?

A. Certainly not; to correct and to expunge all errors whatever.

Q. Were they ever offered, or ſent forth to the world by way of publication?

A. Not that I know of.

Q. Were they ever corrected by authority of the Convention?

A. I never heard of it.

Q. Are there any eraſures, any interlineations in them?

A. Several emendations were made upon the motions of one or two Members; but when ſeveral emendation were propoſed, it was ſaid, you may leave that to the Committee.

Q. To the beſt of your recollection (I made a motion about the union of the two kingdoms), did it appear to you that that motion had a ſeditious tendency?

A. On the contrary, I conceive it would be for the good of mankind, and the ſalvation of theſe kingdoms.

Q. Do you look upon toſtin to be a French word?

A. I ſuppoſe ſo; but I cannot ſay that it is; I never heard it made uſe of in the Convention.

Q. Are you ſure that it is not inſtead of one French word, two Chineſe words?

A. I cannot say; I know nothing about the Chinese.

Q. I have a notion 'tis; then, all the knowledge you gained of a Secret Committee, was the next day among the Sections, and among the Friends?

A. That reminds me of a mistake I made before; for I find that I have recorded that very motion which Mr. Sinclair moved to be burnt, and which was afterwards agreed not to be burnt; and I heard further of the business next day.

Q. There was a motion made for a Convention of Emergency; did the Convention ever fix upon or delineate the plan by which they were to act, or did that Convention ever take place?

A. Not that I know of.

Q. In joining the Friends of the People, and in joining the British Convention, for the purpose of obtaining a reform, did you think yourselves warranted by the Constitution to endeavour to obtain a redress of grievances?

A. Perfectly; and I would think so still, if I were to be sent to Botany Bay for it.

Q. Are those grievances done away?

A. By no means; and I am sorry for it.

Q. Are you of opinion, that if a Convention Bill was passed in the British Parliament, it would tend to lessen those grievances.

A. It would extend them tenfold.

Q. What would be the consequence of the suspension of the Habeas Corpus act, and of the Act for preventing wrongous imprisonment?

A. It would be certainly a great encroachment upon the privilege of Britons.

Q. Might not every peaceable inhabitant of these realms run great danger, in case of a foreign invasion, of losing his property, by the enemies plundering him of it, if they were successful?—A. I have no doubt of that.

Q. Do you think it would be more constitutional in Englishmen, more constitutional in Scotchmen, more constitutional in Britons, to sit idle and look at a foreign invasion, or attend a Convention of Emergency.

A. I dare say the whole Court, and all the audience will agree, that to meet upon such an occasion, would be a work of necessity.

Q. Was foreign invasion the expression that was made use of, or was a French invasion ever mentioned?

A. As far as I recollect, French invasion was mentioned in some person's motion; but I cannot say in whose motion, or whether it was in doors, or out of doors; or in the Convention, or out of the Convention, I cannot say.

Q. Then you mean to say, that an Invasion from France was uppermost in the minds of the Convention?

A. I cannot say what was uppermost; but I know I have heard that expression, but I believe it was out of the Convention.

Q. Was

Q. Was it cuſtomary for the motions to be handed to the table, which were not paſſed in the Convention?

A. Many ſuch were handed in, and many not paſſed, and not taken notice of at all.

Q. Are you certain, that the two motions ſhewn you juſt now, and which were indorſed by you, and, I preſume, were given into you in that manner, are you ſure they were ever read in the Convention?

A. Be ſo good as ſhew me them again *(looks at them)*. One of theſe motions is certainly new to me ſince I came before the Court: a perſon might ſay to me, there is a queſtion concerning union, and I might indorſe it ſo without ever reading it.

Q. What was the mode of proceeding in opening and cloſing the buſineſs of the day?

A. As the buſineſs of all Chriſtian people ſhould be, it was begun and ended by prayer.

Q. Did you ever obſerve any thing of a ſeditious or riotous appearance in the Convention?—A. Not in the leaſt.

Did you ever hear any thing mentioned, or whiſpered in the Convention, that might tend to overturn the Conſtitution?

A. Never.

Q. Did you ever hear any thing mentioned there againſt the King?—A. Never.

Q. Did you ever hear any thing mentioned there againſt place-men and penſioners?—A. Often.

Q. That, I ſuppoſe, is the Sedition that is meant to be charged.

George Roſs ſworn, examined.

Witneſs. I thought it very hard that the Lord Advocate, when I was here before, ſhould charge me with falſhood. I hope he will not do ſo now.

Q. What profeſſion are you of?

A. Clerk in the Gazetteer office.

Q. How long have you been in that profeſſion?

A. Seven or eight years.

Q. Was you a Member of the meeting of the Friends of the People?—A. Yes.

Q. Was you a Member of the Britiſh Convention?—A. Yes.

Q. Delegate from what ſociety?

A. From the Canongate Society.

Q. Did you act in any particular office in the Convention?

A. I ſometimes acted as Aſſiſtant Secretary?

Q. Who elſe aſſiſted the Secretary?—A. Several perſons.

Q. Were there any perſons who wrote ſhort-hand and took down the debates?—A. Yes, my brother.

Q. Look at theſe Minutes, and ſee if you can find your own hand-writing?—A. Yes.

Q. Did

Q. Did you take down, to the beſt of your abilities, what did really paſs in the Convention?

A. I certainly would take nothing down that I thought improper.

Q. And you would take down nothing but what paſſed?

A. No.

Q. Do you recollect, if it was the practice at the commencement of the meeting, to read over the ſcroll of the Minutes?

A. I have ſeen it done ſometimes, and ſometimes not.

Q. Do you recollect whether it was ever uſual to correct them upon reading them over?

A. I think, I recollect one night, there were ſome corrections.

Q. Are you acquainted with that Gentleman?

A. I have had the honour to ſee Mr. Margarot many times, and been in his company.

Q. Was he a Member of the Convention?—A. Yes.

Q. Have you heard him ſpeak?

A. Yes, I have heard him propoſe motions.

Q. Did you ever ſee him act as Chairman?

A. I cannot recollect to a certainty, whether he was or not.

Q. Do you recollect any motion in the Convention with reſpect to a union between England and Scotland?

A. I recollect the union with the Societies of the Friends of the People in England.

Q. Read that?

A. *(Reads)*. Margarot moved, that a committee be appointed to conſider.

A. I don't recollect that.

Q. Whoſe hand-writing is it?

A. I believe it is Mr. Aitcheſon's.

Q. You recollect there was ſuch a motion?

A. Yes, that there was a union to take place between the Engliſh ſocieties and the Scotch.

Q. Do you remember any motion being made of a Convention of Emergency?—A. Yes.

Q. Do you remember any thing about the purpoſe of that Convention; of the events in which they were to meet?

A. To remonſtrate to Parliament againſt a Bill, ſuch as a Convention Bill.

Q. Were there any particular perſons who made a motion reſpecting it?—A. I believe it was made by Mr. Callendar.

(Reads Mr. Callendar's motion).

Q. Do you recollect that that motion was made?

A. A. Yes it is my hand-writing.

Q. Do you remember the events that were to happen.

A. That, in caſe of a Convention Bill, they were to meet in order to draw up a remonſtrance to Parliament.

Q. Was any other event mentioned? any thing about the Habeas Corpus Act?—A. I don't at preſent recollect.

Q. Do

Q. Do you recollect any thing about a foreign invasion, or any thing about foreign troops?

A. Yes, about the Hessians and Hanoverians being brought over.

Q. You spoke about Mr. Callendar's motion; when was it taken up? the next day?—A. I cannot say.

Q. Was the Convention used to take notice of the motions at the time they were made, or did they lie over?

A. They generally laid over.

Q. Was that motion of Mr. Callendar's taken up afterwards?

A. I cannot say.

Q. Was there any debate about Mr. Callendar's motion respecting the Convention Bill? and recollect yourself before you give an answer?—A. I cannot be particular.

Q. Were there any amendments proposed to that motion?

A. I believe there were.

Q. What resolution was come to in consequence of the amendment?—A. I don't know particularly; I don't recollect.

Q. Is that your writing?

A. Yes, *(reads)*. Citizen Sinclair read the amendments upon Citizen Callendar's motion; and then there comes some other person's writing; and, it was agreed, that the house should resolve itself into a Committee, to consider of the amendments proposed; the Convention being resumed, and the amendments being read over, the members stood upon their legs, and solemnly and unanimously passed the following resolution.

Q. Now recollect yourself, and tell us what passed at that time. Was it a resolution upon Citizen Callendar's motion?

A. Yes.

Q. Now recollect what that motion was?

A. I cannot recollect.

Q. Look if it is mentioned there?

A. No, there is a blank page follows it. The resolution then passed, was reserved to be entered 'till the end of the Minutes.

Lord Advocate. It is very material that the Jury should take down these words; for it is that upon which I shall found a very material part of what I shall have to say to them. Repeat it again.

A. I think the Resolution that was then passed, was left to be entered at the last part of the Minutes.

Q. Look, and see if you find any more blanks?

A. I believe there are not *(looks over the Minutes)*. Yes, here is a blank of four lines.

Q. Do you remember any proposal being made about burning any part of the written evidence, or destroying any motion or resolution the Convention had come to?

A. No, I don't recollect.

Q. Do you know Mr. Aitcheson?

A. Yes.

Q. Do

Q. Do you recollect any objection being made by him to burning or deſtroying any reſolution that they might have come to?

A. No, I do not.

Q. Do you recollect any other perſon, a Member of that Convention, objecting to that meaſure?

A. I do not recollect any ſuch thing.

Mr. Burnet. Do you remember a motion being made for a Secret Committee?—A. Yes.

Mr. Solicitor General. Who was it that propoſed that motion, which paſſed ſolemnly and unanimouſly?—A. I cannot ſay.

Q. Did the members all ſtand up when that motion paſſed ſo ſolemnly?

A. I don't recollect; but I ſhould ſuppoſe ſo, from what is written here.

Q. Do you remember any thing about declaring before God and the world, any thing?—A. I cannot ſay.

Q. Do you remember any thing that was ſaid about calamitous circumſtances?

A. No; there was a reſolution in caſe of a Convention Bill.

Q. Do you remember any thing about paying no regard to ſuch an act if it paſſed?—A. I never would agree to that.

Q. Do you remember any ſpeech or motion being made as to what the Convention were to do, upon the meeting being diſperſed?

A. If they were diſpered they were to meet in another place.

Q. Who was it that ſpoke with regard to that; did Mr. Margarot ſay any thing, or make a ſpeech upon that ſubject? recollect yourſelf?—A. I cannot recollect.

Q. Was is debated? Was there any difference of opinion upon that ſubject?

A. I cannot recollect.

Q. Do you remember any motion being made with regard to it?

A. I believe there was.

Q. Was it Mr. Margarot that made the motion?

A. I am not very certain whether he did or not, but I rather ſuſpect he did.

Q. Look at that paper *(a motion for appointing a place of meeting)*. Did you ever ſee that paper before?

A. Yes in the Court.

Q. Do you recollect ſuch a motion being made, and if Mr. Margarot was the perſon that made it?—A. Yes.

Q. You ſaid ſometime ago that you acted as Clerk in the Gazetteer Office, and that your brother took notes in ſhort-hand of the debates in the Convention? now, were they printed?

A, My brother took the notes.

Q. Did you read them?

A. Yes, after they were printed.

Q. So

Q. So far as yourself read, were they accurate?

A. They were pretty exact.

Q. Was any thing said, so far as you remember, in the printed paper which had not passed in the Convention?

A. I cannot say.

Q. Was the statement given in the Gazetteer accurate of those motions and resolutions which you yourself heard?

A. I believe they were.

Q. Do you recollect any speech by Mr. Margarot, or any body else, in which spies were mentioned?—A. No, I do not.

Q. Who is the manager of the Gazetteer?—A. Mr. Scott.

Q. This is a paper which is printed in the Gazetteer Office, I suppose?—It looks like it.

Q. Is it a copy of the Gazetteer?—A. Yes.

George Ross cross examined by *Mr. Margarot.*

Q. Are you a judge of sedition

A. I don't know what sedition is.

Q. Have you any idea of treason?—A. Yes, I have.

Q. What is your opinion of loyalty?

A. Loyalty is certainly to be true to the constitution of the country.

Q. Have you ever seen any thing in my behaviour of a seditious tendency?

A. I don't know what sedition is; if you will tell me what sedition is, I will tell you.

Q. That is a difficult thing; it seems nobody is agreed upon that here. Have you ever seen me behave in an outrageous indecent manner?

A. No; you expressed a wish to have grievances redressed.

Q. Did I ever express a wish to overturn the constitution, or bring it back to its original purity?

A. To bring it back to its original purity.

Q. Did I ever express a wish to throw every thing into confusion, or to obtain a reform in parliament?

A. That was what you always wished, to petition for a reform.

Q. Was my behaviour conformant to my professions in that respect?—A. Yes.

Q. Have you ever seen me drunk?—A. Never.

Q. Have you ever seen me in a passion?—A. I never did.

Q. Have I ever had any revising of what has here been called the Minutes of the Convention, in the Office of the Gazetteer?

A. Never that I know of.

Q. Among your ideas of the Convention of Emergency, did you imagine that the convention was to proceed to open force, or rather that it was to meet to deliberate?

A. To

A. To meet and petition parliament for a redress of grievances.

Q. You heard me, it seems, mention spies; did I ever express any fear of them?

A. No, I don't recollect hearing you mention spies.

Q. I understood that you said so?—A. No.

Q. Did you ever see any thing in the Convention but what was perfectly peaceable and orderly?

A. I never saw any member behave disorderly or unpeaceably.

Q. Were there not some regulations drawn up for the more orderly regulation of the Committee? Was not that the business which we first set about?

A. I don't recollect exactly; but I think there was a Committee of Regulation.

Q. The question I am going to put, will require your recollection, and the attention of the Jury. Have you ever heard any man declare himself my enemy?

A. I have heard several people declare themselves enemies to us, as the British Convention; but I cannot condescend to recollect any particular person.

Q. Was you in the Sheriff's Office the same day that I was?

A. Yes.

Q. Did you hear me converse with any of the messengers there?

A. I recollect being in the Sheriff's Chamber when there were some messengers there; one of them and you had some words.

Q. What did he say?

A. I don't recollect the particular word he said, but I know he said something which I thought improper at the time; I think it was one Lyon, if I recollect aright.

Q. You cannot recollect what that man said.—A. No.

Q. What was the subject of the dispute; you say there were words between us.

A. I believe the substance of it was his manner of seizing you; that he would not shew you the warrant he had to take you up, or something of that.

Q. And have you entirely forgot his expression?—A. Yes.

Q. You have been asked about burning or destroying a motion. Did you ever hear me say any thing to that purpose?

A. No.

Q. Did you say I was chosen a member of the Secret Committee?—A. I cannot say.

Q. Did that Secret Committee ever act to your knowledge?

A. Not that I know of.

Q. Have you ever seen me act as press or chairman?

A. I am not very certain.

Q. What is the business of a President of the Convention?

A. To

A. To keep order.

Q. Is he merely to regulate the ſpeech or the behaviour of the Convention?

A. Merely to regulate the behaviour of the Convention.

Q. His powers go no further.—A. No.

Q. It appears that the blank that is left in the Minutes, that the writing juſt before it is your hand-writing?

A. No, that was another blank for four lines.

William Roſs ſworn.

Mr. Burnett. What profeſſion are you of?

A. Clerk in the Gazetteer Office.

Q. Was you a member of the meeting of the Friends of the People?—A Yes.

Q. Was you a member of their ſociety when it got the name of the Britiſh Convention?—A. Yes.

Q. Was Mr. Margarot a member?

A. He was there, and I underſtand him to be a Member.

Q. Do you know who acted as Secretary to the Committee?

A. Mr. Skirving.

Q. Had Mr. Skirving any aſſiſtance?

A. I have ſeen my brother taking notes.

Q. Did you ever take notes?

A. Never as aſſiſtant to the Secretary.

Q. And what was your reaſon for taking notes?

A. For my own amuſement, and for publication.

Q. Do you write ſhort-hand?—A. Yes.

Q. Did you take them in ſhort hand upon the occaſion?

A. Yes.

Q. Recollect, if what you took down was an accurate ſtatement, as far as your abilities went, of what paſſed in the Convention?

A. I don't know whether it was an accurate ſtatement; I did not make it wilfully inaccurate: I was taken with a cold, and did not hear well.

Lord Juſtice Clerk. You wiſhed to make it accurate?

A. I did not wiſh to make it inaccurate.

Q. Were they afterwards publiſhed in the Gazetteer?

A. Yes, from the notes that I took, I drew out an account, which was publiſhed in the Gazetteer.

Q. Does it conſiſt with your knowledge, that the minutes were read over to the Convention, the next day after?

A. No.

Q. Had you occaſion to reviſe your notes in the Gazetteer after they were thrown off?—A. Yes.

Q. Did it appear to be an accurate ſtatement of what had paſſed in the Convention?—A. Exactly, as far as I recollect.

Q. Have you ever had occaſion to ſee the ſcroll of the Mi-

nutes of the Convention? ſhould you know them again if you ſhould ſee them?—A. I have ſeen them lying there.

Q. Should you know your brother's hand writing.—A. Yes.

Q. Was Mr. Callendar a member of the Convention?

A. He uſed to attend there.

Q. Did you ever hear any thing of a motion made by him reſpecting the Convention Bill?

A. I recollect ſuch a motion being made in the Convention.

Q. Who was it made by?—A. I am not certain.

Q. Do you remember hearing a debate on the motion reſpecting the Convention Bill?

A. I recollect there was a debate upon that motion, but I don't recollect the particulars.

Q. Do you remember any thing mentioned in that debate reſpecting a Convention of Emergency?

A. I think it was at the ſame time that the Convention of Emergency was mentioned?

Q. Do you remember any other event in which caſe it was to take place?—A. I don't recollect.

Q. Do you remember any thing having been ſaid about a foreign invaſion in that debate?

A. I believe there was ſomething ſaid about a foreign invaſion.

Q. Are you ſure nothing was ſaid as to a French invaſion?

A. No.

Q. Was any thing ſaid about Heſſians and Hanoverians?

A. I don't recollect that; it was, in general, troops, and foreign invaſion.

Q. Was any thing ſaid of foreign troops landing in this country?

A. I believe there was, but I cannot ſay I heard mention made of both.

Q. Did you hear of the Habeas Corpus Act?

A. Yes; on the ſame occaſion.

Q. Do you remember any motion, or any ſpeech having been made with reſpect to the diſperſion of the meeting, and what was to be done in thot event?

A. I recollect ſomething being ſaid about the diſperſion of the Meeting; that if they were illegally diſmiſſed, the Convention ſhould meet.

Lord Juſtice Clerk. Do you mean the Convention of Emergency?

A. I ſuppoſe it meant the members then preſent.

Q. Do you recollect who it was that ſpoke with regard to the diſperſion of the meeting?

A. A number of perſons ſpoke, but I cannot recollect who it was.

Q. Did Mr. Margarot make a ſpeech upon that ſubject?

A. I think he did.

Q. Did you hear of any motion being made with regard to a Secret Committee?—A. Yes. Q. How

Q. How many did it consist of?

A. I don't recollect the number.

Q. Do you remember who made the motion with regard to it?—A. I don't recollect.

Q. Was Mr. Margarot a Member of the Secret Committee?

A. I don't recollect whether he was or not.

Q. Look at that paper; did you see it in the Convention at any time?—A. I never did.

Q. Did you hear that motion made for a Convention of Emergency?

A. I recollect a motion to that purpose having been made.

Q. Do you remember any thing of a Secret Committee being appointed?—A. Yes.

Q. Was Mr. Margarot a member of it?

A. I do not recollect.

Q. *(Shews him three Gazetteers)*. Look if they were published at your Office?—A. Yes.

Lord Justice Clerk. Were these publications known to the Convention?—A. They were to individuals in the Convention.

Q. Was it never mentioned in the Convention that it was to be published?

A. It was mentioned that an account of the proceedings of the Convention were to be published; but I don't recollect that that was in the Convention.

Lord Eskgrove. Was there no resolution in the Convention to support that paper?

A. There was some motion to that purpose, but I don't recollect any resolution being come to upon it.

William Ross cross examined by *Mr. Margarot.*

Q. You took notes for the purpose of publishing them in the Gazetteer. Did you ever submit these notes to me before they were published?

A. I never did.

Q. You say you was as accurate as possible?

A. I don't know that I was inaccurate.

Q. Are you hard of hearing?

A. I was at that time, and still do continue a little so.

Q. Was there ever any talk in the Convention of our Convention of Emergency being for the purpose of assisting the French if they invaded this country?

A. I never heard of such a thing.

Q. Did such a thing ever enter your head?—A. No.

Q. Nor any body else, in their senses, I believe. You have heard of a Secret Committee. Do you know whether that Secret Committee ever did any thing?

A. I never heard of their doing any thing.

Q. What was the mode of appointing Committees?

A. The

A. The general mode was, that they were appointed by the Sections.

Q. Was there not among the regulations of the Convention, one which expreſsly enjoined on ſuch Members, as ſhould be choſen to any office, to accept of the ſame; that is to ſay, that it barred them a refuſal?

A. I think I have a recollection of that, but I am not poſitive.

Q. You ſay I made that motion for the Convention of Emergency. Did I propoſe to repair to that Convention armed?

A. I did not hear any thing of that ſort.

Q. Did I propoſe carrying on, by that means, any correſpondence with any foreign enemy, from whom an invaſion was to be expected?—A. No.

Q. Was the Gazetteer ſubmitted to the Convention before it was publiſhed?—A. That was impoſſible.

Q. Then they did not ſuperintend the publiſhing of the Gazetteer?—A. Surely not.

Q. Did they ever order the printing of the Gazetteer?

A. No.

Q. At whoſe expence was it carried on?

A. At the expence of the publiſher, Mr. Scott.

Q. The Convention never furniſhed any thing towards the expence of the Printing?

A. Never a farthing.

Q. Then it was carried on totally independent of the Convention?—A. I underſtand it to be ſo.

Q. It ſeems that you recognize the ſcroll of what is here denominated the Minutes of the Convention; could you ſwear to it?

A. No, becauſe I never ſaw it till I ſaw it in the Sheriff's Chamber. I have ſeen a ſcroll of Minutes lying upon the table, but I never peruſed them.

Q. Does there appear to be any alterations, or interlineations in that pretended ſcroll?

A. I have ſeen the pen drawn through ſome words.

Q. It appears then, that you know nothing at all about that ſcroll?

A. No, I never peruſed any of it till I ſaw it in the Sheriff's Chamber.

Q. When the illegal diſperſion of the Convention was ſpoke of in the Convention, did you thereby underſtand a diſperſion of the Convention in a conſtitutional manner, according to the laws of the land, or did you underſtand a diſperſing of it by force, unaided by the laws?

A. I underſtood the diſperſing of it without law.

Lord Advocate. Did you underſtand, that, by the words *illegal diſperſion*, was meant any diſperſion by the Magiſtrates of Edinburgh, or the Sheriff of the county?

A. I underſtood it meant a diſperſion without any law.

Mr.

Mr. Margarot. What is your opinion of magiſtrates? are they to act according to law, or do you apprehend there is a code of laws in this country which is to be the rule of their conduct?

A. I underſtand that the magiſtrates were to act according to law; and that if they did diſperſe the Convention, it would be without law.

John Wardlaw was ſworn, but appearing to be intoxicated, was ordered to withdraw.

Lord Advocate. If we may judge from the appearance of this man, he is in a ſtate of intoxication, and certainly very unfit to be examined in a court of juſtice, as a witneſs; I ſhould therefore, were his evidence never ſo material, avoid examining him; but before I give him up, I wiſh to be ſatisfied whether it is the real ſtate of the man, at this moment, or whether, which is poſſible, it may be a mere pretence, and an appearance put on by himſelf, on purpoſe to avoid being examined; if your Lordſhip will allow him to be called back again, and put ſuch queſtions to him as may be deemed proper, that the Jury and your Lordſhips may be ſatisfied whether he is ſo or not.

Lord Henderland, to the Macer. Did you obſerve any thing particular in the appearance of this witneſs in the morning?

A. He appeared to be the ſame in the morning that he is now.

The witneſs called in again.

Lord Advocate. Was you incloſed this morning, at the ſame time, with the other witneſſes?—A. Yes.

Q. Have you got any proviſion ſince you went into that room?—A. Yes.

Q. Have you got any liquor?—A. Yes.

Q. Any conſiderable quantity?—A. None at all.

Lord Advocate. He ſays he is not in liquor, therefore, we may proceed to examine him.

Q. Was you a Member of the Britiſh Convention?

A. Yes, I had the honour to be a Delegate.

Q. Did you frequently attend the meetings of that Convention?—A. Yes.

Q. Did you ever aſſiſt as Secretary there, upon any occaſion?

A. Never.

Q. Did you write any minutes of the meeting at that time?

A. When I was called upon to do ſo, I did.

Q. Did it happen at any time?—A. Yes, once.

Q. Have you ſeen the pannel at any of thoſe meetings?

A. Yes.

Q. Did you ever ſee him act as Preſes, or Chairman at this meeting?—A. No.

Q. Look at that, and ſee whoſe hand-writing it is?

A. I believe it is my writing.

Q. Who gave you that motion?—I wrote it myſelf.

Q. Who propoſed it to you?—A. I propoſed it myſelf.

Q. Did

Q. Did you write it by desire of any body?—A. No.

Q. What is your profession?—A. A writer.

Lord Advocate. Are you in any writing-chamber?

A. I am a writer, and that is enough.

Lord Eskgrove. In whose chamber do you write?

A. That is not the question, my Lord; you don't speak to the point; you must speak to the point, my Lord.

Lord Advocate. Did you second the motion?

A. Yes, I counted it a laudable and proper motion.

Q. Who desired you to second it?

A. I did it myself, of my own free will.

Q. Did Mr. Margarot report that motion?

A. I believe he did; because it was his motion; and I wrote it, and seconded it.

Q. Did you see Mr. Margarot sign it?

A. I don't recollect his signing it; I don't recollect whether he wrote it or not. Mr. Margarot is a man of courage, and a man of honour, and a man of virtue; and a man that would not deny his word—by God.

Lord Justice Clerk. What is that you say?

A. I said he would not deny his word.

Lord Justice Clerk. But you said something else.

A. I said by God.

Lord Justice Clerk. He is either drunk, or affecting to be drunk. My own opinion is, that he is affecting to be drunk; and, supposing he is not affecting drunkenness, he ought not to get drunk, knowing he was to be called here as a witness.

Lord Henderland. I move that he be committed to prison for a month.

He was committed.

Samuel Paterson sworn.

Mr. Solicitor General. Are you a Member of the British Convention?

A. Yes, of the Convention that sat on the 19th of November.

Q. Was it called the British Convention?

A. It got that name afterwards.

Q. You was acquainted with Mr. Callendar, who was also a Member of that Convention?—A. Yes.

Q. Was you ever present in the Convention, when a motion was made by him?

A. I cannot recollect.

Q. Do you remember a motion being made of what the Convention were to do in case of a bill being brought into parliament like the Convention Bill that passed in Ireland?

A. I was not there when that motion was discussed.

Q. Was you ever present when any motion of a similar nature was discussed?—A. No.

Q. Was

Q. Were you ever preſent at any time when the motion was made reſpecting the illegal diſperſion? A. No.

Q. Is that paper your hand-writing?

A. Yes; it is not only ſigned by me, but the body of it was drawn up by the ſection to which I belonged, and was by me tranſmitted to the Convention.

Samuel Paterſon croſs examined by *Mr. Margarot.*

Q. This motion or paper, or whatever it is, was drawn up in your claſs and brought to the Convention. Was it ever read in the Convention?

A. All that I can ſay for this paper is, that it was drawn up by the claſs to which I belonged, and was informed that it was delivered to the Preſes for the time being, and I was not there that night; I was there only four nights altogether, and perhaps once or twice only *(reads the minutes)*.

Lord Juſtice Clerk. Did you give it in yourſelf?

A. I am not certain; there was always a return made every day of a new Preſes for the ſucceeding day?

Mr. Margarot. And you cannot tell to whom it was delivered?

A. It was delivered to the ſecretary, I ſuppoſe.

Q. How are you certain it was delivered, if you was not preſent at the time of the delivery? A. I am not certain of it.

Q. Gentlemen, pray attend to this: By what authority did the claſſes or the ſections, or whatever they may be thought proper to be called; by what authority did they draw up any motion or paper? Was it by any expreſs command of the Convention, or was it an authority they aſſumed of themſelves, as meaning to ſend their intentions, their opinions, to the Convention, there to be diſcuſſed?

A. It was generally by the authority of the minutes from the Convention the preceding night; but that paper was, as far as I recollect, drawn up without any minutes having been ſent by the Convention.

Q. You ſay this was drawn up by the claſs without any interference of the Convention?

A. As far as my memory will charge me, that was the caſe.

Q. You was originally a member of the Friends of the People, and then a Delegate to the Britiſh Convention, and I underſtand you have ſeceded from them? A. Yes.

Q. I muſt beg to aſk one queſtion. Does a reform in Parliament appear leſs neceſſary to you at preſent than it did then?

A. I muſt appeal to the Court whether that is a proper queſtion or not.

Lord Juſtice Clerk. We have given full ſcope to the Pannel, becauſe he is a foreigner; but when a witneſs refuſes to anſwer a queſtion that is not proper, we are bound to ſay he need not, unleſs he chooſes.

Mr.

Mr. Margarot. I will not preſs upon a ſore place. Do you know that that was read in the Convention?

A. I do not know; I was not there that night when the queſtion was debated.

Lord Advocate. With the declaration of the Pannel, we ſhall now cloſe the evidence on the part of the proſecution.

The Declaration of the Pannel read.

Maurice Margarot, merchant in Mary-le-bone, No. 10, High-ſtreet, London; being examined and interrogated, whether he was a member of the Britiſh Convention of the Delegates of the People, aſſociated to obtain univerſal ſuffrage and annual parliaments, aſſembled in Edinburgh; declares, that he does not acknowledge the legality of a private examination, and declines anſwering the queſtion; and being interrogated from what place or diſtrict he is Delegate to the ſaid Convention, declares he declines to anſwer the queſtion, for the reaſon above ſpecified; and being interrogated whether he made any motions in ſaid Convention, and of what nature, he declares he muſt decline anſwering the queſtion, for the reaſon above ſpecified. And being ſhewn the paper, ſigned Maurice Margarot and John Wardlaw, of the tenor following: That the moment of any illegal diſperſion of the preſent Convention ſhall be conſidered as a ſummons to the Delegates to repair to the place of meeting, appointed for the Convention of Emergency by the Secret Committee, and that the ſecret Committee is inſtructed to proceed without delay to fix the place of meeting.

(Signed,) MAURICE MARGAROT.
JOHN WARDLAW.

And being aſked, if he made any motion in the Convention laſt night, or any other time, muſt decline anſwering the queſtion, for the reaſon above-mentioned. And being interrogated if he came to Scotland at the invitation of any perſon or perſons in this country, declares he muſt decline anſwering this or any other queſtions, for the reaſons above ſpecified; and this he declares to be truth.

This declaration was made and read over to him, in the preſence of William Scott, of Harry Davidſon, and Joſeph Pringle.

(Signed,) WILLIAM SCOTT.
HARRY DAVIDSON.
JOSEPH PRINGLE.

Lord Juſtice Clerk. Now is your time, Mr. Margarot, to bring forward your exculpatory proof.

Mr. Margarot. How can I bring forward my exculpatory witneſſes, when they are not preſent, and I am not granted a caption for them?

Lord Juſtice Clerk. Are there none of them here?

Mr.

Mr. Margarot. Yes; my Lord, I will firſt call the Sheriff Subſtitute.

Evidence for the Pannel.

Harry Davidſon ſworn, examined by *Mr. Margarot.*

Q. When I was apprehended and brought before you, did not I make objections with regard to the legality of the proceedings?

A. You did.

Q. Did I not complain of the treatment I had received in having been taken out of my bed at ſeven o'clock in the morning, and kept in a room where there was not even a chair to ſit upon until five in the afternoon, as though I had been a criminal and a felon?

A. You mentioned theſe circumſtances; and I think my anſwer was, that I was exceedingly ſorry for it, but that they had not been communicated to me, or I ſhould have taken care that you ſhould be better accommodated.

Q. Did I not ſtate to you the illegality, as I apprehended, of arreſting a man without even ſhewing him the warrant?

A. You mentioned that circumſtance.

Q. Did I not promiſe you that I would enter a proteſt againſt thoſe proceedings?

A. Yes.

Q. Have I been as good as my word? have you been ſerved with a proteſt?

A. Yes; I have.

Right Hon. Thomas Elder, Lord Provoſt, ſworn.

Q. All I mean to aſk you, my Lord, is, whether you could diſcern any confuſion, tumult, or riot, at the meeting at Laing's workſhop on the 6th of December, at your entrance?

A. There was no other riot, that I know of, than what was occaſioned by the magiſtrates interfering.

Q. Then it was the magiſtrates cauſed the riot?—very well, my Lord. Was you acquainted with the buſineſs that the Convention were upon that night?

A. No, I know nothing farther than it was a Convention for illegal purpoſes.

Q. Do you apprehend, my Lord, that petitioning Parliament is illegal?

A. Does your Lordſhip think I need anſwer that?

Lord Juſtice Clerk. I think not.

Mr. Margarot. Were you not told that the intention of the meeting was to conſider of an addreſs for a reform in Parliament, by petition to the King or to that Parliament?

A. I

A. I certainly heard ſome ſuch thing.

Q. Whether, upon the preceding night, when I was abſent, when you interrupted the Convention, you was not likewiſe told that the buſineſs they were going to proceed upon was, whether it would be beſt to petition the King or the Parliament for a Reform?—A. That I was told by Mr. Skirving.

Mr. Margarot. Now, my Lord, comes a very delicate matter indeed. I mean to call upon my Lord Juſtice Clerk, and I hope that the queſtions and the anſwers will be given in the moſt ſolemn manner. I have received a piece of information which I ſhall lay before the Court, in the courſe of my queſtions: firſt, my Lord, are you upon oath?

Lord Juſtice Clerk. State your queſtions, and I will tell you whether I will anſwer them or not; if they are proper queſtions, I will anſwer them.

Q. Did you dine at Mr. Rochead's, at Inverleith, in the courſe of laſt week?

Lord Juſtice Clerk. And what have you to do with that, Sir?

Q. Did any converſation take place with regard to my trial?

Lord Juſtice Clerk. Go on, Sir.

Q. Did you uſe theſe words: What ſhould you think of giving him an hundred laſhes, together with Botany Bay? or words to that purpoſe?

Lord Juſtice Clerk. Go on; put your queſtions, if you have any more.

Q. Did any perſon, did a lady ſay to you that the mob would not allow you to whip him? and, my Lord, did you not ſay that the mob would be the better for loſing a little blood? Theſe are the queſtions, my Lord, that I wiſh to put to you at preſent, in the preſence of the Court: deny them or acknowledge them.

Lord Juſtice Clerk. Do you think I ſhould anſwer queſtions of that ſort, Lord Henderland?

Lord Henderland. No, my Lord, they do not relate to this trial: queſtions as to facts, which are at all material to the charges contained in this indictment, my Lord Juſtice Clerk is obliged to anſwer, but not otherwiſe.

Lord Eſkgrove. What may have been ſaid in a private company cannot in any way affect this caſe as to the Pannel at the bar: it certainly cannot throw any light upon the ſubject: my Lord, I have concurred in allowing this gentleman, who is a ſtranger from London, to put ſuch queſtions as I never before heard of in a Court of Juſtice, where, my Lord, every ſubject of this country, the meaneſt and the pooreſt that ſtands at that bar, may have the aſſiſtance of counſel learned in the law. If his ſituation was ſuch that he could not afford it, he might have got it by the authority of this Court, which would have prevented many things that were ſtated upon the relevancy. My Lord, there has not been a queſtion put to your Lordſhip that could at all avail Mr. Margarot as to his innocency in this trial,

and

and your Lordſhip very properly waved anſwering them. I am of opinion that you ought not to anſwer queſtions of that ſort, which cannot involve the fate of the trial; I therefore think that it is not conſiſtent with the dignity of this Court, and cannot be beneficial to the Pannel.

Lord Swinton. Any thing that may tend to exculpate him, or alleviate the crime charged againſt him, had he propoſed queſtions of that ſort, not only my Lord Juſtice Clerk, but every one of us muſt have anſwered them by the laws of the country; but the anſwer to none of theſe queſtions can either tend to exculpate him or alleviate the offence of which he is accuſed. My Lord, not one of them are proper, not one of them are competent, and ought not to be allowed to be put; and were he not a ſtranger to this country, I ſhould look upon it as an inſult offered to this Court.

Lord Dunſinnan. The Pannel is allowed to adduce what exculpatory witneſſes he thinks proper; your Lordſhip well knows that by the conſtant rule of this Court, before the Pannel proceeds with his exculpatory proof, he is called upon to ſtate the nature of that proof: he has put queſtions to your Lordſhip, and it appears to me that no anſwer to thoſe queſtions could in any degree tend to exculpate or alleviate the charges againſt him.

Lord Juſtice Clerk. Have you any other witneſſes?

A. It is needleſs, my Lord, when I am told that the anſwers to ſuch queſtions would neither exculpate me nor alleviate the charges againſt me, but it would have gone to ſhew the Jury that I was pre-judged before my trial came on; and I did mean indeed to have followed it up by another queſtion, had you been on your oath; but as you are not, I will not put it.

Lord Juſtice Clerk. Have you any other witneſſes to adduce?

A. Yes, my Lord.

Charles Steward, called.

Lord Advocate. For what purpoſe do you call him?

Mr. Margarot. To aſk him a queſtion concerning ſomething that appeared in one of theſe papers, The Edinburgh Herald.

Lord Abercrombie. That is not a paper libell'd upon.

Mr. Margarot. No, but it libels me and the friends of a Reform in Parliament; it is a compariſon between the Friends of a Reform in this country, and the Anarchiſts in France, and I want, but I don't ſee why I need tell my wants, unleſs he is to be called; I want to know from whom it was that he received the original of this letter; that is a fair queſtion that I have a right to aſk in any court of Juſtice, and it is a queſtion that ought to be anſwered: 'tis a paper that has thrown an odium upon the Friends of Reform.

Lord Dunſinnan. This would lead into a very extenſive field, if the Pannel be allowed to go into an inveſtigation of all the writ-

writings that have been publiſhed, that have thrown, as he ſays, an odium upon the Friends of Reform, and there is nothing founded upon it againſt the Pannel.

Lord Henderland. This paper is no part of the evidence produced againſt Mr. Margarot, otherwiſe he might be entitled to enquire by whom it was put in; but to go into a queſtion of every thing that has been ſaid for and againſt the Friends of the People in the newſpapers, is totally irrelevant to this trial; for if Mr. Margarot has been injured in that reſpect, the law is open to him, not on this trial, but on another occaſion, and it can have nothing to do with this trial.

Lord Swinton. By an act of 1748, it is the priſoner's duty by that Act of Parliament, to give in, the night before the trial, or ſometime before the trial, the facts upon which he is to found his defence, and he ſhall be allowed to prove nothing in his defence, but what is contained in that liſt of facts; but if what he has now ſtated would be material to his defence, I am ſure the Lord Advocate would allow him to prove it; but there is nothing here that could tend either to exculpate or alleviate; it would lead us into every thing that has been wrote, pro and con. upon the ſubject, and who it was that gave the foundation for it, and therefore I conceive it not regular.

Lord Eſkgrove. I am of the ſame opinion; I think it can be of no avail to him upon the face of the earth.

Lord Juſtice Clerk. It is very true, my Lord, that there is a ſtatute of the late King, and I think it was a very proper rule that was adopted by that ſtatute, and I am ſorry that it is no more attended to than it is, and I ſhould be ſorry to deny this Pannel any thing that could avail him in his defence, and he might have had the advice of Scots lawyers or agents, and therefore I am of opinion, that it would not tend to criminate other people who are not here, or are not put upon their defence.

Mr. Margarot. Then it is needleſs ſaying any further upon that; it would only have tended to clear up the minds of the Jury, who might have received unfavourable impreſſions, and which might have been done away by ſome queſtions put to the printer; but which, perhaps, ſome people would wiſh to ſee encouraged.

James Calder ſworn.

Lord Henderland. What buſineſs are you?

A. A friend of the people.

Q. Do you live upon that?

A. I live upon my father, Donald Calder, merchant in Cromartie.

Q. What are you?

A. (*After*

A. *(After ſome heſitation)* I am a ſtudent, and attend the univerſity here.

Examined by *Mr. Margarot.*

Q. Were you ever preſent at any of the meetings of the General Convention of Friends of the People in 1792, and the beginning of 793?

A. Not in 1792, but I was a member of the Convention of April 1793.

Q. What is your opinion upon the views of thoſe Conventions? A. I conſider them to be perfectly legal,

Q. What was the purpoſe of their aſſembling?

A. To obtain a reform in parliament.

Q. Were you ever interrupted in thoſe meetings by the Civil Magiſtrates?

A. No; as far as I know, I never was.

Q. Did you ever hear, in the courſe of your communications with other people, that the magiſtrates deemed thoſe meetings ſeditious and illegal? A. No, I never did.

Q. You don't know of any members of thoſe Conventions ever having been apprehended, in conſequence of their being members of thoſe Conventions. A. No; I never did.

Q. Was you ever preſent at any of the meetings of the laſt Britiſh Convention?

A. Yes, I was occaſionally.

Q. Was there any material difference in their proceedings?

A. I certainly know of no difference; there might be ſome difference in their mode of expreſſion, as to the objects they had in view.

Q. Was the mode of proceeding in theſe objects nearly the ſame? A. They were, as far as I know.

Q. Were the one and the other equally void of violence, tumult, or ſedition?—A. I never ſaw any thing of the kind.

Q. Were any ſeditious doctrines ever held or authoriſed in the Britiſh Convention?

A. Nothing that I ſhould call ſeditious myſelf, or that I ever thought ſeditious.

Q. Did you imagine it to be a part of the people's right to meet in that manner, to petition parliament or obtain a reform?

A. I always underſtood ſo.

Q. Was you preſent when I was ſaid to have made the motion with reſpect to the union between Scotland and England?

A. I don't recollect the time the motion was made; but I think I remember a motion of that deſcription.

Q. What was the intention of that motion, if you can recollect any thing of it; as far as you could infer from the words that it was expreſſed in, was there any thing in it of an evil tendecy with regard to the king and government of Britain?

A. As

A. As far as I recollect, it was a general ſort of a plan of operations between the ſocieties in England and Scotland.

Q. To produce what end?

A. To eſtabliſh a correſpondence between the ſocieties of England and Scotland, upon a conſtitutional mode of proceeding to petition the legiſlature.

Q. Was you preſent when (as he is called here) Citizen Callendar made a motion reſpecting a Convention bill?

A. I don't recollect it; I don't think I was preſent at the time that motion was made.

Q. But you underſtood the nature of that motion to have reſpect to the time when a Convention Bill ſhould be brought into the Houſe of Commons: did you underſtand that the Convention of Emergency, which was to take place on the introduction of ſuch bill, or rather whether the Delegates of the Convention of Emergency were to aſſemble, immediately upon the introduction of ſuch Bill, or wait till it had paſſed in the Houſe of Commons?

A. They were to aſſemble, as far as I recollect, upon the introduction of ſuch a Bill.

Q. I ſuppoſe that you thought that this Convention was to oppoſe that bill?—A. Yes.

Q. In what way.

A. In a legal and conſtitutional manner; by petitioning Parliament, or by counſel.

Q. Had you any apprehenſion that theſe Delegates meant to employ open violence?

A. I never heard any thing of that kind.

Q. Were there any warlike preparations for that purpoſe?

A. No.

Q. Was there any ſum ſubſcribed for that Convention?

A. No.

Q. Were any extraordinary meaſures taken to give ſtrength to that Convention, which the Britiſh Convention did not then enjoy?—A. No.

Q. Were you preſent at the meeting at Laing's?

A. Yes, I was.

Q. What did you hear the Sheriff Subſtitute ſay?

A. I heard him deſire them to diſperſe.

Q. What reaſon did he give for the diſperſion?

A. He ſaid he had orders to diſperſe them; that it was an illegal and unconſtitutional meeting.

Q. You are certain that he ſaid he had orders?

A. Yes, I am very ſure of that.

Q. Was he not informed of the conſtitutional manner in which we were proceeding to debate on the queſtion reſpecting an addreſs to the King, or petition to Parliament, for a Reform?

A. As far as I recollect he was, though I cannot ſay by whom, but I believe it was Mr. Skirving.

Q. Was

Q. Was you there the preceding night, when the Lord Provoſt came to diſperſe that meeting?

A. I came in about the time that he came.

Q. Were they peaceable before the Lord Provoſt came?

A. I was not there long before.

Q. Was you there when he came in?—A. Yes.

Q. Was there any confuſion after he came?—A. No.

Q. Did you hear it explained to the Sheriff Subſtitute when he diſperſed them at Laing's, what was the nature of the buſineſs of the evening?—A. Yes, I anſwered that queſtion before.

Q. When force was ſaid to be neceſſary to diſperſe us, after the token of force given by the Sheriff to the Chairman, was any further force neceſſary?

A. No; after Mr. Margarot came out of the chair, ſomebody called Mr. Gerald to it, and he took the chair, and we did not diſperſe till he went to prayer, and then we went away.

Q. Was it actual force that diſperſed us, or an ideal force, a ſubmiſſion to orders that we did not reſiſt?

A. A ſubmiſſion to orders; but I looked upon the order of the Magiſtrates to be force.

Q. But the members of the Britiſh Convention, when ſo diſperſed retired peaceably, did they not?—A. Yes.

John Clark ſworn, examined by *Mr. Margarot.*

Q. What are you?—A. A Maſon in Edinburgh.

Q. You was a member of the Britiſh Convention?—A. Yes.

Q. With what view did you join that Convention?

A. I joined it with a view to obtain a Reform in the repreſentation of the people.

Q. Was you convinced in your own mind that the attempt to obtain a Reform was legal and conſtitutional?

A. I thought ſo, or I would not have been a member of it.

Q. You are on your oath, and I deſire you to anſwer this fairly; if you had found that the Members of the Britiſh Convention had departed from that conſtitutional line in which they ſat out, and in which they were acting when you joined them, would you have abandoned them?

A. If I had thought that they had deviated from that conſtitutional line, I certainly would have abandoned them, no doubt of it; but I have not found it.

Q. You have not then abandoned them yet?

A. No, not ſo long as they are conſtitutional.

Q. What was the tenor of the behaviour of the Convention? was it peaceable behaviour and orderly, or riotous and tumultuous?

A. Peaceable and orderly.

Q. Was any ſeditious doctrine encouraged or promulgated there?

A. I

A. I am at a loſs to know what ſeditious doctrine is now, and I cannot anſwer that queſtion; I did not underſtand it to be ſeditious.

Q. Was any ſtep propoſed at any time that you might think unconſtitutional, from your knowledge of the conſtitution, of the Bill of Rights, and of the Claim of Rights?

A. No not any thing.

Q. What was the motive of the Convention, for endeavouring to promote a union between Scotland and England?

A. I underſtood it was to promote a union between thoſe ſocieties that wiſhed for Reform, that they might unite in adopting the Conſtitutional means to obtain it.

Q. You never harboured any idea that it was for a ſiniſter purpoſe, did you?—A. No.

Q. Did you ever underſtand that if the French landed in England the Convention were to meet them?

A. Quite the reverſe.

Q. Do you know of any member of the Britiſh Convention having any correſpondence whatever with France, directly or indirectly?—A. None.

Q. Was you preſent when the Lord Provoſt diſperſed the Convention on the 5th December?—A. No.

Q. Was you preſent at the time the Sheriff Subſtitute diſperſed them on the 6th December?—A. I was.

Q. Before the Sheriff Subſtitute came in, how was the Convention with regard to order, peace, and decorum?

A. It was perfectly orderly, but I was a very ſhort time in before the Sheriff Subſtitute came.

Q. What did you underſtand to be the ſubject of the debate that night?

A. There was a motion about another petition to Parliament.

Q. What was ſaid to the Sheriff when he attempted to diſperſe us?

A. I believe he was told that it was a peaceable conſtitutional meeting, and that his diſperſing us was illegal; we were met for the purpoſe of petitioning Parliament, and were entitled to do ſo by the conſtitution.

Q. What was his reply?

A. That he behoved to obey his orders; that he did not come to argue, but to obey his orders, to diſperſe the meeting.

Q. You are certain he mentioned the words, his orders?

A. I think I am pretty certain of that.

Q. Did he as Chairman require ſome ſign of force from him?

A. You did.

Q. What ſign of force did he make uſe of?

A. He touched you by the hand, and ſaid, come out, and you ſaid, no, it muſt be a little more than that, and then he took you by the arm and gently pulled you out, as I would a friend, and then you came out; then Mr. Gerald took the chair

chair, and it was moved, that we ſhould diſſolve in the ordinary way, with prayer; upon which Mr. Gerald went to prayer, and we came away.

Q. Do you apprehend there was any idea of reſiſtance, or any attempt to reſiſt, or that any individual ſhewed a wiſh to reſiſt?

A. None that I know of; it is diſtant from my idea.

Q. Do you apprehend that the general apprehenſion was at that time, that the Sheriff was acting unlawfully?

A. I preſume it was; but I cannot ſay what they thought.

Q. However, they retired peaceably.—A. Yes.

Q. And no riot enſued?—No.

Q. No drunken bout enſued that night, of the Friends of the People?—None to my knowledge.

John Clark croſs examined by *Mr. Solicitor General.*

Q. You have been talking about the Bill of Rights, and the Claim of Rights, where have you read them? in what book is it to be found?—A. I do not recollect.

Q. Can you tell any thing about this Claim of Rights, any of the articles of it?—I cannot tell the whole.

Q. You have upon your oath told us, there was nothing done in this Convention contrary to the Bill of Rights, or the Claim of Rights; is the right of petitioning Parliament one of the articles?—A. Yes.

Q. Did you ever read any thing about illegal aſſociations called by private authority, either in the Bill of Rights, or Claim of Rights?—I cannot recollect at preſent.

Lord Abercrombie. Did you ever act as Preſes in the Britiſh Convention?

A. When I was there as Preſident I was keeping order.

Q. How often was that?—Only once.

Lord Advocate. You was a Member of the Secret Committee?

A. I was.

Q. Who were the other Members?

A. Mr. Margarot, Mr. Brown, myſelf, and the Secretary.

Mr. Margarot. Did that Secret Committee ever act?

A. Not that I know of.

Mr. Margarot. I will, with the leave of the Court, lend you the Claim of Rights to read.

Lord Advocate. Did you ever read the *Habeas Corpus* Act?

A. No.

Q. Did you ever read the Act of 1701, on Wrongous Impriſonment?—A. No.

Mr. Solicitor General. Is it a Scotch or an Engliſh Act?

A. An Engliſh Act.

Mr. Solicitor General. So that is your knowledge of the Act of 1791?

A. Stop, I believe I am wrong; for the Union took place in 1706.

Lord Advocate. Gentlemen of the Jury, you are called upon in the common and usual routine of your duty to decide upon the truth of the indictment, which I have felt it my duty to prefer againſt the Pannel at the bar, who is ſtiled, and calls himſelf in the paper which is termed a Declaration, emitted by himſelf, before a proper officer, to be a merchant, reſiding in Marybon in London; you are therefore his equals, and his proper and competent Jury to decide upon his guilt.

Gentlemen, I muſt ſay, and again repeat, that you ſit this night in the common courſe and routine of your duty, although, if I charge my memory right, or I can truſt to the Note which I took at the time the Pannel in that ſpeech, or rather ſucceſſion of ſpeeches which came from him, not in my opinion with much judgment, not in my apprehenſion with much prudence; ſaid ſomething of Packed Juries, and (which he has a right to ſay) of my endeavouring to impoſe upon your underſtandings: I truſt you will feel this moment, as I hope and truſt the country at large will feel, that it is not in the power of the higheſt ſubject of this country, be his ſituation what it may, to pack a Jury either here or in our ſiſter-kingdom, or to prevent the meaneſt criminal from getting what the law and the conſtitution of his country gives him; a juſt, a fair, and an impartial trial. I truſt you will feel at this moment, what I do in my ſituation as Proſecutor, a complete and perfect independence; a deſire to do my duty to my country at large; a determination to follow the dictates of my own conſcience, and when I exerciſe that to the beſt of my judgment and the beſt of my underſtanding, as I know and I truſt you will do this evening, I care not what is ſaid either by a criminal in the moment of intemperance, or by perſons without doors, endeavouring to ſhake the confidence which the people of the country have of the ineſtimable privilege of trial by Jury. I deny that Juries are packed, or that any inſtance has exiſted, or can poſſibly exiſt in this country, of ſo foul and ſo groſs an aſperſion being juſt.

Gentlemen, I am not without ſome apprehenſions, in conſequence of an indiſpoſition which I have laboured under ſince I laſt addreſſed a Jury of this country upon a trial of a ſimilar nature. I am not yet perfectly without my apprehenſions, that I may not be able at this late hour of the night, and in a Court ſo crouded as this, to do what is on all occaſions my bounden duty, and which the peculiar ſituation of this country, at preſent, more particularly demands, to ſtate the nature of the evidence lying upon the table, joined to that which was read at the foot of it to day; that I may not be able to bring it in ſo conſpicuous a point of view, or diſcriminate with that accuracy in the volume of Factious, Seditious, and Treaſonable matter, which lies upon your

your table, that which you ought to dwell upon, and that which you ought not; but I truſt in ſome degree to the goodneſs of my cauſe; I truſt more to the underſtanding of the Jury, and I truſt ſomething to that feeling of regard to my Country, and that ſpirit which a good and loyal ſubject ought to feel and to entertain, that I ſhall yet be able to make out ſuch a caſe from the evidence before you, which will impoſe upon you the ſevere, but the juſt, taſk of returning a verdict of guilty, againſt the perſon at your bar, upon the moſt ſolid, convincing, and concluſive proof that it is poſſible.

Gentlemen, the Pannel at your bar ſtands charged with Sedition. Upon that ſubject we have to-day had much diſcuſſion; we have had a great deal of ignorance profeſſed, by men who ſurely ought to have been the laſt to make that profeſſion, who hold themſelves out to their fellow ſubjects as Members of a Convention which is to teach reform to Parliament, which is to ſubſtitute ſomething better, in place of what we enjoy, who have audaciouſly pretended to aſſume to themſelves that important taſk, and that important character, of ſetting aſide or of improving that inheritance which they enjoy from thoſe who have gone before them, and, who I ſincerely hope and wiſh attended with that propriety, and that degree of attention which was neceſſary to the importance of that taſk before they entered upon it, or before they pretended to be ignorant of what Sedition was.

Gentlemen, to refer to Law Books is perfectly unneceſſary; the Counſel who opened this Caſe to-day upon the part of the proſecution, traced his authority back to the earlieſt book which we know, or which the Law of Scotland acknowledges, the book of *Regiam Majeſtatem*; and if the Pannel at the Bar, or thoſe Members of the Britiſh Convention who have profeſſed to-day ſuch ignorance of what Sedition is, if they had turned up, I am ſorry to ſay, the only criminal book of the Law which we Lawyers acknowledge to be of authority, I mean, the book of Sir George Mackenzie, they would have found a ſeparate and diſtinct treatiſe, defining expreſsly the crime of Sedition, giving it its technical definition as clearly as the definition of murder, falſehood, forgery, rape, or any other crime which occurs in the common courſe of criminal juriſprudence. If any ſet of men let their oſtenſive purpoſe be a redreſs of grievances, as in this caſe, till it aſſumed the appellation of the Britiſh Convention of the Delegates of the People, aſſociated to obtain univerſal ſuffrage and annual Parliaments, as was the caſe I ſay, of the former Convention, of which the boy Calder told us juſt now he had been a Member, if their purpoſe was reform; yet, if that purpoſe is not to addreſs the King or the Legiſlature of the Country, in a conſtitutional way, by petition to the King; but if on the contrary, they are aping and imitating the example of a neighbouring Country with which we are at war, or if it goes

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the length of convocating thouſands of perſons who may form theſe Societies, not to apply to King, Lords, and Commons, in a proper, legal, and conſtitutional way for redreſs; but if it does aſſume the power of forming itſelf into a ſeparate body, or Convention altogether; if it goes the length of what I will ſhew you, upon a fair review of the evidence, it did in this caſe, overawing Parliament in the execution of its duty; that in the event of an invaſion, or ſome ſuch ſimilar circumſtance, they were not only to control and overawe the proceedings of Parliament, but were, in the conſtruction of common ſenſe and reaſon, to join, in place of reſiſting the Invaders, for that is the concluſion which I ſhall draw from the evidence on the table, in ſpite of all the declarations and profeſſions which came from the Aſſociates of the Pannel this day at the bar: if it goes that length, it is clearly and diſtinctly the crime of Sedition, as clear and unequivocal as ever occured in the practice of any civilized country. The evidence, therefore, Gentlemen, is now before you—I ſtate that to be my view of the caſe; that is the opinion which I form upon the review of it; my opinion is not binding upon you; but you will conſider thoſe parts of it, which it is now my duty to ſtate and comment upon: you will give to it your beſt attention, and lay your hands upon your hearts, and conſider, whether it is not the only, the plain, and the neceſſary deduction and inference, which ariſes not from any particular expreſſion, circumſtance, motion, or paper; but from a general complex view of the whole, tallying and comparing it at the ſame time with the parole teſtimony laid before you this day.

Gentlemen, the evidence is of two kinds, written and parole: the principal and chief part of it (and I ſay ſo, becauſe it is the moſt certain and the moſt unerring), is the written evidence ariſing from the minutes of this ſelf-conſtituted Convention; from the papers found upon Mr. Margarot, contained and referred to in the general inventory upon the table, and from three numbers of the Gazetteer, which in the ſequel I ſhall ſhew you to be completely brought home to this Convention.

Gentlemen, the firſt queſtion which you are to conſider is, whether or not this meeting, from the 19th of November (for I go no farther back) till the 4th of December laſt, where the Minutes ſtop, becauſe we all know, and it is proved to-day, that the Magiſtracy of this City, did, early on the morning of the 5th, apprehend theſe perſons and ſeize their papers. The firſt queſtion which you are to aſk is this: Was it or not a meeting of a ſeditious nature? for if you are of opinion, that it was not a meeting of a ſeditious nature; if you ſhould conſider it in a different point of view, to what I humbly preſume to do; that it was an innocent, fair, legal, and conſtitutional meaſure, it is in vain, ſuperfluous, and unneceſſary for you to enquire, whether the Pannel is a Principal Actor in that Meeting; becauſe no man can be found guilty of the proceedings of a Meeting which a jury

ſhall

ſhall be of opinion, is within the pale of the law, and ſuch as the laws of this Country entitle any man to call together.

Gentlemen, ſomething was ſaid to day, in the courſe of this debate (if I may ſo term it), that was perſonal againſt myſelf as a Member of another Convention; ſomething was ſaid with regard to the aſtoniſhing circumſtance, of not bringing the Borough reformers to trial in this court, ſomething was ſaid alſo with apparent marks of exultation on the part of the pannel, that though three Conventions of the Friends of the People had taken place in this city, in the courſe of eighteen months paſt, no notice whatever was taken by the Public Proſecutor of any of thoſe Conventions, till, as Margarot, I think, ſtated, we took alarm; becauſe we ſaw, that he and his friends were in danger of opening the eyes of the people; that it was not till we were alarmed, and the eyes of the people were about to be opened, to the exiſtence of thoſe abuſes, which it was their object to correct; that I (negligent in my duty before) brought this man and others his aſſociates to anſwer for the offence.

Gentlemen, my anſwer is this: I deſire not to enter into the queſtion, how far Conventions by Delegation are, or not legal. —It is not the queſtion now under your conſideration; had theſe Gentlemen confined themſelves to what was the Law of their Country, or adhered to what they profeſſed to be the caſe, I ſhould not have felt it my duty to have brought them to trial, for being aſſembled in a Convention, or any thing of that kind, which had for its object either the correction of the County Laws, of the Borough Laws, or any other correction which the wildeſt or moſt unreaſonable ſpeculatiſt might think it worth his while to aim at.

Gentlemen, I never thought of bringing before you the Convention of 1791, the Convention of April 1793, or the ſubſequent Convention in October laſt; nor did I think of bringing the perſons now charged before you with Sedition, till the very name they aſſumed, every advertiſement they inſerted in the papers, every thing verbal or written, demonſtrated to my mind, demonſtrated to Scotland, demonſtrated to England, and to the empire at large, that they were a ſet of French Conventioniſts.—I give them that name; perſons who, as far as they durſt, and their audacity I believe was matter of aſtoniſhment to the country at large, who durſt take poſſeſſion of this metropolis, who dared within its walls to hold out the example of a French model, holding out their example as the principle upon which they acted, as the objects and point to which their deliberations tended.

Gentlemen, ſomething was ſaid of orders being given to Mr. Davidſon, the Sheriff Subſtitute, that he acted by orders: whether he acted by order or not, whether he acted by the orders of the reſpectable Gentleman who was Sheriff Depute of the County, but who has ſince received a diſtinguiſhing mark of his Sovereign's

Sovereign's favour, whether he went by my orders, or by the orders of any body else, is nothing to the purpose; I did consult with that Gentleman; I did consult with your chief magistrate; I desired them to attend to their duty; if any desire of mine was necessary; we acted in concert together; had we done less, we had been guilty of a breach of office; we had been guilty of neglecting the most important interests of mankind.

Gentlemen, were I to run over every single paper contained in that Inventory, were I to address you upon every motion which appears in that scroll of Minutes before you, I should detain you this evening to a very late hour indeed; but I shall select a few of the most pointed and distinct motions, and evidence therein contained.

Gentlemen, it is an important duty in which you are now engaged; the Pannel either is, or professes himself to be, an Englishman; he is in some respects a foreigner to this Country; but you will not consider when you are to decide either upon the life, the reputation or the guilt, or innocence of a fellow creature, whether he is of Scotland, or whether he is of England.

Gentlemen, I will say hardly a word in support of the written evidence which is now upon your table—it appears that the papers libelled upon, which I have just described to you, are traced home in the most complete and satisfactory manner possible—there is not a tittle of written evidence—there is not a document now before you which is not proved beyond a possibility of dispute—I refer in general to the testimonies of Mr. Davidson; of Mr. Scott, the Fiscal; Lyon, and I think Mack.—These four, I believe, distinctly trace them from the room in which Margarot and Gerald slept into the sheriff clerk's office, and having traced them there they are brought into court, and it is impossible to enquire further. Indeed some question was put by the Pansel at the bar (who displayed I must admit a considerable degree of ingenuity and acuteness in his own defence), as if it might have happened from the manner these papers were found, that others might have been carried in even by Lyon, the messenger—that other papers might have been carried in, as they were residing at a public inn in this city, by other persons, and that they were not necessarily the papers of Gerald, and of Margarot—In every case where written evidence is libelled upon, in support of any crime, I ask yourselves if it is possible to give better evidence of the identity of papers than was done in the present case—or if you suppose, contrary to evidence and contrary to fact, that Lyon, the messenger, was entrusted by Mr. Davidson, or Mr. Pringle, or me, or the Lord Provost, with papers of a seditious nature, which he carried into that room where they were sleeping, in order to ground a false accusation against them—if you can suppose that possible then to be sure any thing that I have said, or have hereafter to say in support of the charge against this man, certainly will not be

be worth attending to—Gentlemen, on the contrary, these papers were found in the room where they slept, were put into a trunk, which trunk was returned back to Margarot and Gerald, and you have it in evidence, that when it was examined in their presence, Gerald selected his—Margarot claimed the rest, or at least allowed them to be inventoried without denying them, and those which did not relate to this business, were returned to them both.

Gentlemen.—I trust that quibbling defence, for it does not deserve any other name, will satisfy your minds, that the gentleman does know that the import of these papers bears hard against him, and that he wishes to shelter himself from the inference which your minds will draw, by stating a possibility, which cannot exist, that they might have been carried there by other people, in order to ground an accusation against him.

Gentlemen, holding that to be clear, I shall beg your attention in the first place, to the minutes of the convention, for it is the ground work, and the basis of the charge against him; it was a paper which I was very anxious if possible to obtain, because I know that it would have been impossible to have asked a Jury to have given a verdict against any man upon suspicions, however strong those suspicions might have been, and you will be satisfied from what we saw this day, from the manner in which we saw the witnesses give their testimony, Citizen Ross particularly, who has spoke out; and I am sure it gives me pleasure to applaud the conduct of a witness. I have great satisfaction and high pleasure in giving this tribute of praise to Citizen Ross, and the same with respect to Coborn, who, I think, from the whole of his testimony, though a friend and associate of the Pannel at the bar, has given a fair, a true, and a decisive evidence.

Gentlemen, the first thing I shall beg your attention to are the steps previous to and accompanying that which is stated in pages fifth and sixth of the indictment. In page fifth you will observe stated a motion respecting a Convention of Emergency, and the cases in which they were to meet are proved in the first place by the negative evidence of their minutes, and confirmed by the testimonies of Coborn and of George Ross.

Gentlemen, that motion appears to have been first made by a gentleman of the name of Callendar, to whom this day was exclusively appropriated for meeting the justice of his country, but who it seems has not chosen to stand trial, and the first notice given of this motion, I will read from the minutes—6th day's sitting, 25th November 1793. Citizen Callendar moved, that in case the Minister bring into the Commons House a motion for a convention bill, it should be noticed immediately to the delegates. This is the first appearance of this motion in the minutes, and as it was told us by several of the witnesses to day, the forms of this house, as it is called, or of this Convention,

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did not admit of a motion made one day being deliberated upon till the next—the motion lies over accordingly, till the enſuing day, when you will find the meeting again reſumed, and Callendar's motion being then taken under conſideration, amendments were propoſed by ſeveral perſons, and it was moved by Mr. Margarot, that a committee conſiſting of the mover, ſeconder, and thoſe that had moved for amendments, be appointed to draw up a motion that may meet the idea of all, among whom was Mr. Calder, the young gentleman whoſe actual attendance upon the Univerſity may perhaps better qualify him to diſcuſs queſtions as to the reform (or as I call it the alteration) of the conſtitution, than the learned Mr. John Clark, or Mr. Wardlaw, or Mr. Aitcheſon, or any of thoſe gentlemen who have ſo well weighed and conſidered the ancient inſtitutions of the laws and conſtitution of their country, before they aſſumed to themſelves the important office which they have taken upon them. Citizen John Gartley moves, that the ſenſe of the houſe be taken upon the ſpirit of the motion, upon the words of the motion, and afterwards upon Mr. Margarot's motion. Upon the firſt motion it was carried unanimouſly to adopt the motion as to its ſpirit; ſecondly, by a great majority not to adopt the words of it; and, thirdly, that the amendments be referred to a committee as above—And at a ſubſequent diet, I mean a ſubſequent ſitting of the Convention, the minutes tells us, that Citizen Sinclair read the amendments upon Citizen Callendar's motion, as agreed upon by the committee, and it was agreed, upon the motion of Citizen Blank, that the houſe ſhould reſolve itſelf into a committee for its mature conſideration. In the courſe of the converſation, Citizen Brown gave a hiſtory of the habeas corpus act. After an excellent diſcuſſion of the queſtion, pertinent remarks and amendments, the convention was reſumed, and the whole as amended, being read over, the members ſtood upon their feet, and ſolemnly and unanimouſly paſſed the reſolution as follows—Then follows a blank in the paper, and immediately afterwards the minutes proceed, at the diſtance of a page, and ſomewhat more, that Citizen Gerald in a very energetic, and animated addreſs, expreſſed his happineſs at the motion paſſed, and Cirizen Brown, followed him in a manly ſpeech, and proved the influence of the executive government over the Parliament. Citizen Margarot then read and propoſed the following motion: That a ſecret committee of three, and the ſecretary, (it is proved afterwards that Clark, Margarot, Skirving, and Brown, were the four who actually compoſed this committee) be appointed to determine the place where ſuch Convention of Emergency ſhould meet, that ſuch place ſhould remain a ſecret with them, and with the ſecretary of the Convention, and that each delegate ſhall, at the breaking up of the preſent ſeſſion, be entruſted with a ſealed letter, containing the name of the place of meeting; this letter ſhall be delivered unopened to his conſtituents, the receipt of

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which ſhall be acknowledged by a letter to the ſecretary, preſerved in the ſame ſtate, until the period ſhall arrive at which it ſhall be deemed neceſſary for the delegate to ſet off.—This motion was ſeconded by Citizen Moffatt, and carried unanimouſly.

Gentlemen, you have in the firſt place this proved completely by the minutes, that Citizen Callendar in his firſt motion, which was adopted as to its ſpirit, but rejected as to its words, had neither more nor leſs than this object in view, that as ſoon as parliament ſhould think it neceſſary or proper, if they ever thought it neceſſary or proper, to bring in a ſimilar bill, to that which paſſed in Ireland, that this ſhould be the ſignal, or notification for calling the Convention of Emergency together, and that of itſelf without going to other caſes of Emergency, was juſt this, that they were to act as a control upon parliament, and to endeavour to overawe (you will conſider whether in a legal or in an illegal way) the free exerciſe of the right of the legiſlature—Can you ſuppoſe that if their purpoſe was legal, if they had not wiſhed to overawe, and intimidate the parliament from doing their duty, would you have found them alarmed or afraid of their conduct? Had their purpoſe been only to petition parliament, and to ſtate their remonſtrances againſt ſuch a motion (a right, which every freeman of this country poſſeſſes) what explanation is to be given of that ſecrecy in which this meaſure is wrapped up, if their purpoſe was honeſt, but is it ſo? you find in this paper an account of a reſolution which they came to, in a moſt ſolemn and moſt unanimous manner, but which reſolution does not appear in the face of the minutes—if it was a reſolution merely of the quiet and loyal nature juſt now ſtated, do you ſuppoſe that motion would have been left out, or do you believe what Aitcheſon tells you, and in which he is confirmed by the minutes in Roſs's hand writing, for Roſs's hand writing ends immediately before the blank, and Aitcheſon's comes immediately after the blank—is it not clearly proved that what they were about was a thing which they durſt not put into this paper, which they poſtponed to ſome other occaſion, which Sinclair, as Aitcheſon tells you, propoſed ſhould be burnt, but which he reſiſted ſucceſsfully, and prevented it from being burned? burning an innocent paper is not the characteriſtic of men of virtue—of men of character—of men conſcious they were only doing what was legal, and what was juſt.

Gentlemen, let us then ſee what the parole teſtimony makes out, and whether it does not preciſely confirm the concluſion, and inferences. I am now drawing not only from what is proved by the minutes, but alſo from what is not proved by the minutes, I mean the inſertion of this extraordinary blank, to which there is nothing ſimilar, except a blank of four lines, in all the 94 pages of minutes upon your table.

Gentlemen, Coburn, I think, tells you, that beſides this convention bill, there were a variety of other caſes in which this

Convention of Emergency were to meet: He told us that they all agreed that the introduction of a convention bill was to be one great object when the people ſhould meet, and I wiſh you would look at your notes when the people ſhould meet *to aſſert their rights*—I am not to deſcend to criticiſms upon a word, but I may at leaſt beg to know whether, if it was merely drawing up a reſpectful petition to the King or to the parliament, it was neceſſary to put ſo ſtrong a declaration as this to which Coburn ſwears, or was it not better to ſpeak out the truth, that they meant, in ſuch an event, to remonſtrate againſt the meaſure, or petition Parliament againſt its paſſing into a law? but you have, on the contrary, an expreſſion which favours more of reſiſtance than any thing elſe—that they were to meet in this unknown place, which was to be concealed even from the delegates themſelves, and of courſe from they eye of the executive power—that in that event they were to meet and aſſert their rights, but as to the manner in which they were to be aſſerted, whether in a peaceable or tumultuous way, whether the mild influence of reaſon was to be exerciſed upon the Britiſh Parliament, or whether by drawing out numbers of deluded men to do it by force, is your buſineſs now to decide, and your province alone to determine.

Gentlemen—The queſtion was this day put to me, was I an inquiſitor of the private feelings of men's minds? Had I a right to dive into the ſecrets of the human breaſt, or to diſcover what it was their intention to conceal?—That is the province of the Jury—it is their buſineſs, however careful men involved in ſeditious practices may be to gild them over with general expreſſions, ſuch as aſſembling to aſſert their rights; it is the province of the Jury, when they find perſons engaged in theſe practices, not to take their profeſſions, not to take what they declare to be the oſtenſible purpoſe in view, but looking to their actions, looking to their words, looking to their proceedings, whether they are ſecret, or whether they are public, to form your impartial determination on which ſide the ſcale of evidence preponderates, whether it is on the ſide of innocence, or whether it does not tally with guilt alone; whether it does not artfully and inſidiouſly leave it open either to one conſtruction or the other; for if they had ſaid that they would have aſſerted their rights by open force, if they had durſt to have ſaid the Britiſh Parliament ſhall defend the Habeas Corpus Act, or we will defend it by force of arms, if in caſe of a French invaſion, their purpoſe was not to reſiſt but to co-operate with ſuch an invaſion, and had they expreſſed that upon their minutes, I would not have brought Mr. Margarot to trial, I ſhould have held him a lunatic in every ſenſe of the word.—If I had brought him to trial before you, I am poſitive you would have thought I had brought a madman to your bar; you might have pronounced a verdict of lunacy againſt him, but certainly would not have thought

thought him a proper object of punishment. But, Gentlemen, we have in this country a powerful Executive Government;—we have laws which control that power, and we have a Jury which can check it in its progress in a moment; but we are to expect, while that Executive Government exists (which I trust will exist to all eternity to check every attempt of this kind) that seditious words will be ambiguous and doubtful upon the face of them; and when you find that Mr. Margarot, the Pannel, is a man of considerable ability, that he is a man aware of what he is about, that he is the ringleader of these persons,—of that poor unfortunate set of creatures who came this day to your bar—of boys—of persons intoxicated, as you have seen—that he professes himself to be a merchant; that the trade in which he is engaged permits him, from motives of pure disinterestedness, public spiritedness, and wishing to extend blessings to Scotland, which he thinks we do not possess, for six weeks to dedicate his whole time and abilities to those objects which he has held forth to you as not only fair but justifiable; that he is the former of these minutes, the maker of these motions, the ringleader of these deluded people, who are ignorant of the commonest principles of the constitution, and who know at this moment as little of it as if they had never been members of a British Convention—I say when you recollect this, you will not expect any thing else but such an artful, insidious, and ambiguous mode of expression, as may admit with perfect safety either the one or the other construction, but which I shall shew you in the sequel can be construed alone into guilt, and establishes only this, that Mr. Margarot knew what he was about, that they eye of the Executive Government of this country was over him, he professed, and he insidiously and artfully, along with Mr. Sinclair, in this abominable committee to which the matter was referred, did give it that general ambiguous expression, because he durst not do otherwise, and because, which is clear from the evidence of the minutes, and from the evidence of Coburn, it was such a paper as they durst not blot their minutes with; it was such a paper as they durst not hold their face to; it was such a paper as was to give rise to a committee of secrecy, where, if the thing was right, secrecy was inconsistent; but where, if it was wrong, it was prudent, it was necessary, it was proper.

Gentlemen, the next thing I shall observe upon is those numbers of the Gazetteer which are now upon the table. Citizens of Edinburgh, I use the word Citizen, I hope and I know in a fair and in a legal sense, you cannot be ignorant of the Edinburgh Gazetteer. Sure I am I have the honour to be most intimately acquainted with it, and it has done me the honor to be most intimately acquainted with me.

Gentlemen, let us look to that paper, and though some slur may perhaps for a moment arise either in your minds, or in the minds of those who hear me, as to the authenticity of a newspaper

paper as matter of evidence, I will ſhew you, from the evidence of the minutes upon the table, that it is, what it was meant to be, an authentic account, and that as far as it goes it ſtates nothing but what really and truly was the ſubſtance of what paſſed in the Convention. I ſhould not ſuppoſe that the Jury would think me abſurd enough to call them to idle paragraphs in a newſpaper, if it had not ſome degree of authenticity. I refer you to the evidence of the Roſſes, who tell you that the minutes were taken down in ſhort-hand for the purpoſe.

Gentlemen, as to that of which Mr. Margarot complains, being apprehended ſo early in the morning, I ſhould have no objection to take upon myſelf the blame; it was done for the purpoſe of getting at Mr. Skirving and him, and all of them, at a moment when they were not looking for us, otherwiſe they might deſtroy that evidence which I knew exiſted of their proceedings, and from that providential circumſtance, theſe minutes were ſeized in Mr. Skirving's poſſeſſion, which were a compleat evidence againſt him. I am entitled to ſay ſo, becauſe the Jury have ſaid ſo, which is a material circumſtance againſt the Pannel, or againſt any perſon who either is or ſhall be tried for his acceſſion to the proceedings of thoſe meetings. It was proved that after waiting ſome time for the four deputies, the repreſentatives, as I thought at firſt, of all England, but I find they are only the repreſentatives of many thouſands in London, many thouſands in Norwich, and many thouſands in Sheffield and different parts of the country, and theſe four gentlemen, the Engliſh delegates, came down here, it was thought ſo important an occaſion, that the Convention, which had been adjourned for ſome days, again reſumed itſelf; and, gentlemen, they told us that they ſupported the Gazetteer, not as a Convention, not in their corporate capacity, which I was ſurprized to hear ſtated, and it cannot be ſtated by Mr. Margarot, I have a different opinion of his abilities, it cannot be ſtated by him that he is not liable for the proceedings of the Convention; it is clear, from other parts of the evidence, that the Gazetteer is ſo far an authentic account of their proceedings, that they ſupported it as individuals, and wiſhed it well, as I believe they do with all their hearts and with all their ſouls.

Now, Gentlemen, let us look to this Gazetteer, and let us ſee how far it ſupplies any blank which may ariſe upon the peruſal of the minutes regarding this extraordinary Convention, and you will ſee that it effectually does ſo, for you will find that the reſolution which Mr. Aitcheſon did not wiſh to have burnt, becauſe he thought their conduct was open and avowed, and what the world had a right to know; you find that the Pannel at the bar was wiſely and prudently of an oppoſite opinion; for it ſays, after ſtating the proceedings of the Wedneſday, on which Citizen Mealmaker is in the chair, and where Mr. Callendar's motion is rejected as to words, but approved of as to the ſpirit of it;

and

and the next day, when the resolution comes to be new modelled, it says Citizen Sinclair, Citizen President, your committee appointed to attend Citizen Callendar's motion sat this forenoon, and I shall now, if agreeable to the Convention, submit to their consideration the report of that committee. Fellow Citizens, you will feel this report to be of the last importance; it claims your most serious attention, and is to be decided by your united wisdom, and supported by your united integrity. The house resolved itself into a grand committee to consider of the report, which underwent a long discussion, and reviewed several amendments in the committee, and when the Convention was resumed, it passed unanimously in the form of a declaration and resolution: the minutes proved that resolution was come to, but being ordered to stand the last article in the record of the proceedings of the Convention, we cannot insert it till the termination of the present session.

That is the account in the Gazetteer, the mystery of the blank is so far cleared up, if Mr. Aitchesn is to be believed, that this was what Mr. Sinclair wished to burn, you have it in a faithful account of the proceedings in the Gazetteer, that it was to be left out till the termination of the present session. You will consider if the hand of the magistrate had not been raised to stop their proceedings in the very middle of their career, whether it is possible that such a resolution as this would even at the end of the proceedings have ever made its appearance. But Ross tells you, he concurs exactly in the same thing, that this resolution ought to have been in the blank in the minutes, and therefore you have this distinctly proved, that resolutions of a certain nature were come to in a solemn and deliberate manner, unanimously and solemnly in this Convention, which one man says Mr. Sinclair moved should be destroyed, and which another says, and the Gazetteer confirms, was to be postponed to the end of the session, and which have never made their appearance, and therefore the blank is completely explained; but you have better evidence yet, you have the evidence of Coborn and Ross, to almost every thing stated in page five of the indictment. I desire, when you read that indictment, that you will lay out of your view altogether every thing but what is proved; every thing but what is sufficient evidence.—You are to look at the testimony of Coborn, you are to look at the testimony of Ross, you are to look at the Gazetteer, and to a speech which I shall read this moment, and which tally so far as they go with the minutes, and if you are of opinion that that resolution, so far as it is proved, is one of a lawful nature, if you are of opinion that it is not of a direct seditious, nay of a treasonable tendency, for if it had been followed by one single act, in consequence of it, if under that resolution it had been proved that this Convention of Emergeny had met, if it had been proved that they assembled under these circumstances of secrecy, in any

of

of the cases which I shall just now shew you are proved, the persons who met would have been guilty of an overt act of high treason, under the statute of Edward III. which by the act of the 7th Queen Ann, is now the treason law of Scotland.

Gentlemen, I beg your attention to the words in the indictment: it states that the Convention, "considering the calamitous consequences of any act of the Legislature which may tend "to deprive the whole or any part of the people of their "undoubted right to meet either by themselves, or by delegation, to discuss any matter relative to their common interest, "whether of a public or private nature; and holding the same "to be totally inconsistent with the first principles and safety of "society, and also subversive of our known and acknowledged "constitutional liberties, do hereby declare, before God and "the world, that we shall follow the wholesome example of "former times, by paying no regard to any act which may militate against the constitution of our country; and shall continue to assemble and consider of the best means by which "we can accomplish a real representation of the people and annual election, until compelled to desist by superior force."—This is not proved in words; but in a certain extent it is completely proved by the testimony of Coburn, by the testimony of Ross, by the minutes and by the Gazetteer; for Mr. Coburn tells you, he remembers Mr. Callendar moving, that in case of a Bill being brought into Parliament similar to the Irish Convention Bill, that the people should meet and assert their rights: afterwards the spirit of the motion was retained, but extending to certain other events, in which the Convention should likewise meet in case of the suspension of the habeas corpus act, in case of an invasion, and in case of landing foreign troops. A motion was made for a committee to appoint a place where the Convention of Emergency were to meet, which was to be a secret with them and the Secretary. He remembers Mr. Sinclair's motion being come to with peculiar solemnity, and that the words before God and the world were used either in the motion or in the decisive resolution; he is certain it was in one or the other. He recollects he said they would pay no regard to any such Bill, if it passed, or words to that purpose. I have the testimony of Coburn, of whose respectability I leave you to judge, deponing to the material parts of the indictment, that they were to meet to assert their rights, that they would pay no regard any such Bill, if passed; and if they were to pay no regard to the Act, if passed, were they not guilty of an act of rebellion against the state, when they tell you, that if the British Legislature consisting of King, Lords, and Commons, should pass such an Act, if, in the plenitude of their wisdom, they should think it right to do what Ireland has before thought it necessary to do; and God forbid that, without any declaratory statute, there should not be law in Scotland to find men guilty of daring to put into a paper words

words of the import that Coburn has ſworn to, that they would pay no regard to any ſuch Act; the inference follows neceſſarily and unavoidably, though not proved, until compelled by ſuperior force. Will you permit this, Gentlemen, let their conduct in life be ever ſo unimpeached; I impeach none of them. God forbid I ſhould look down upon the ſhoemaker, or the mechanic, or conſider him as leſs entitled to reſpect in his walk of life, than the proudeſt peer that lives in this country. I wiſh that they, be they of what rank they may, would dwell with a little attention, and conſider with care and accuracy the nature of the Conſtitution which they enjoy, ere they raſhly attempt either to invade its authority, as they have done here, or attempt to ſubſtitute their own crude ideas, and prefer one of their own idle imaginations. Whatever be the caſe with Mr. Margarot, I don't think he has that knowledge of the Conſtitution; ſure I am, he has not that knowledge of law, after what I have heard to-day. I know nothing of him; but ſure I am, from what I did ſee of him, I cannot think, and I ſhould be ſorry that the fifteen men I now addreſs ſhould think, that the Conſtitution was ſafely confided to ſuch men in the line of life in which theſe men are; they cannot be fit for that duty which the Hiſtory of the World ſhews has been with difficulty diſcharged by legiſlators of the higheſt characters, and of the firſt abilities. Go back to ages paſt, you will read of men who formed a ſtate, and gave rules for its legiſlation, were raiſed to the rank of heathen gods; you will read of men who, by forming a conſtitution, and regulating its proceedings, obtained characters and names as eternal as the world itſelf, will theſe men be entitled to come forward, like Calder, who is placed in the univerſity? Will theſe men be entitled to ſtate themſelves as perſons holding out to ſuch poor deluded creatures that they are fitted to enter on ſubjects of that nature? That this country, conſiſting of ten millions of people, is to delegate the taſk of legiſlation to ſuch a ſet of ignorant uninformed people—ignorant of the common principles of law and juſtice, talking of books they never read, and declaiming upon ſubjects they know nothing of? It may indeed tend, and here I am ſpeaking directly to the point of criminating this Pannel, if he was an attorney, which I don't know that he was, he has made an ill-uſe of his profeſſion; his criminality is without excuſe; his guilt is indeed of a more atrocious nature. What is ſedition but this; a convocating of ignorant, weak, and deluded people, under the pretext of redreſſing grievances of any kind, and inflaming them againſt the Conſtitution and the eſtabliſhed authority of their country. But this is the direct fact proved againſt Mr. Margarot, it is the point diſtinctly brought home to him; and under ſuch circumſtances of reſiſtance, inculcated upon the part of theſe ringleaders, which in my mind, and I truſt in yours, will ſatisfy you that guilt was in his mind when he did ſo, and will entitle you to lay your hands upon

upon your hearts and say, that he is guilty of endeavouring to spread the contagion wide among people who knew not what they were about; which if they had followed his advice, if they had rose into tumult and disorder, might have brought them to an untimely end; and perhaps these three days past may afford some idea of what might be the purpose of assembling such persons together, if they had been assembled by Mr. Margarot as a Convention of Emergency; if they had been told by him, now is the time to assert your rights. I assume, that these three days past within this city will shew us what was the nature of that object which Mr. Margarot had in view, and what the purposes, and what the manner in which in such an event they might have carried their schemes into execution.

Gentlemen, I have now gone through every thing upon this part of the indictment; and certainly in arguing, and being obliged to quote considerably from papers, I must have gone longer into the case than I had any idea of; but I trust I shall, before I sit down, in a few words, go through what remains, and prove to your satisfaction, that every part of the libel is clearly and distinctly proved.

Gentlemen, Coburn tells you, that he thought the Irish Bill sapped the very vitals of the Constitution of the Country; and he says it was to be kept a secret. If any illegal power interrupted their meeting, that is the reason he gives for the secrecy; that is to say, that if either the magistracy of this city, or Parliament itself, or any such inimical power, they being clearly the persons to whom he alludes, are the cause of the secrecy; and it is all I ask from him. You will consider whether it is not just the thing I am stating as the point in their view, that they were keeping it secret from those whose duty it was to check it, and prevent the consequence that might arise from it.

Gentlemen, the case of an invasion I have already stated to you was one of the cases under which the Convention was to meet, and I shall not repeat what I have said upon that subject; but I trust that you will think with me, that the only and the necessary conclusion is that which I have already stated to you.

Gentlemen, having done with that part of the case, I come to the next, which I observed in the course of my examination, and which I also observed in the course of the Pannel's speech upon the subject, seemed to be treated with very considerable contempt; and Mr. Aitcheson, a determined and bold-faced gentleman, told you his opinions in very strong, forcible terms. He expressed his idea, that the law of the country was come to a sad pass. Indeed he did not understand sedition neither. And he was a man, from what I have seen of his abilities, I should have expected he would have known a little more upon the subject than Wardlaw or Clarke knew upon the subject. But he did not know what sedition was; but he tells you, that the law of the country was come to a sad pass indeed, when the word citizen, which

which he gloried in, was to constitute a man criminal. And he told you, that the principles of this Convention were carried on in the same way, or very little different, from those which marked the proceedings and conduct of the former Convention. If they were, all I can say is this, that these former Conventions kept their proceedings very much a secret; for if I had known that they had done so, or come to any resolutions similar to those proved to day against this man, the members of that Convention should before now have stood before the Jury of their countrymen. If they did so, then all that I have to say is, that they were more cautious, or they perhaps did not think that the time was quite ripe to express what they have since expressed. To be sure, the term citizen, taken by itself, is an innocent and a proper term; I have used it to-night: we are all fellow-citizens here to-night. And the word tocsin, whether it comes from France, or whether it comes from China, or any where else, I feel nothing criminal in that term taken by itself; nor in the first year of British liberty; nor indeed the decades, which by the by I find in one of the plans for the support of the Gazetteer, that it shall be divided into decades, and that each decade shall take so many copies of the Gazetteer, that is a Latin word; nor the first sitting; in the same way all the other expressions, which I will not run over, taken by themselves, are purely and unquestionably innocent; we all may use them in an innocent sense, without the smallest apprehension, or the smallest blame. But here is the point, Gentlemen, upon which I found the charge of criminality; 'tis for this purpose that I collect these expressions, occurring in the proceedings of these minutes; and I collect them as links in the chain of evidence, to shew that this man has been guilty of apeing and imitating the French Convention, as acting upon that model and that principle, as in the same way was done last year in Ireland, and was the cause of the Irish Parliament passing that act; it is a proof of the animus and the intent of the persons concerned in that meeting, that they took for themselves the model and example of the present Convention of France, imitating it in every way in their power; and the conclusion is irresistible, that if they durst have gone forward, or if an invasion had taken place, we might have found these men joining that band of invaders, whom we find them imitating and accommodating all their forms to, you will consider with yourselves, laying your hands upon your hearts, can you, when you find in making it a case of emergency, under which they were to meet in a place secret to all the world, which might be here, or might be in England, the rallying point where the Executive Power of the country could not discover them; can you hesitate one moment in thinking as I think, and as I believe, that if such an event had taken place, that men who form themselves upon that model, and assumed as far as in them lay, and, as far as they

durſt the expreſſions of the French Convention, with which we are at preſent at war, and by whom we are threatened with that invaſion, would have gone againſt the perſons who were their own objects of imitation? or ſhould we have found them endeavouring to eſtabliſh that which they have ſo ſucceſsfully eſtabliſhed in that country, univerſal ſuffrage, one of the great objects for which this Convention was eſtabliſhed?

Gentlemen, you cannot expect written evidence of what paſſed in their minds, until the evil is gone to ſuch an height, until the invaſion has taken place, till the tumult or the inſurrection has happened, which theſe men have endeavoured to foment. Sedition then would no longer be the crime: treaſon would be the ſhape it would then aſſume: it would then be the duty of every free and loyal ſubject to join hand in hand againſt theſe invaders, whom we have found in the moment of that invaſion aſſembling in a ſecret place, as the delegates of thouſands, and whom we find proving themſelves by every act by which it was poſſible to prove themſelves, to be the ſupporters and imitators of the French Convention. I call them French Conventioniſts: It is the eſſence of the charge againſt them: it is the point upon which I deſire your attention. If they were the mere innocent Convention, or Aſſembly, or Aſſociation, or Society for Reform in Parliament, be their reform never ſo abſurd, or the inſtruments of their meeting never ſo ineffectual for the object, I ſay God forbid you ſhould find them guilty to the extent of the moſt trifling puniſhment which you can fix upon them; but if you find them directly avowing in equivocal and doubtful terms, that an invaſion ſhall be one of the caſes in which they ſhall aſſemble, not to ſay that which would be the glory of a loyal ſubject, to ſacrifice their live and fortunes to reſiſt the invaders; but if we find them, inſtead of that, ſhewing their predilection for French forms, and I truſt in God all they can be able to do, it is your duty and your province to dive into the receſſes of the human mind, to conſider the influence which ariſes from ſuch proceedings, to conſider, if you will not lay the hand of criminal juſtice upon them, to quell the conſpiracy before it burſts into light; or if the deluded people, I ſpeak of the inhabitants of this city, I ſpeak of the inhabitants of Scotland at large, and of what has paſſed within theſe three or four days, are ſo much in the power of theſe ſtrangers who have lately come amongſt us, are to come in an unuſual mode to a court of criminal juſtice either to overawe that court, the proſecutor, or the jurymen; if they are to be indulging in unfair and ſcandalous aſperſions, as that of packed juries, as that of impoſing upon your underſtandings, it is for you to interfere and check the evil in its bud; now is the time, this is the moment for you to mark the diſapprobation of their proceedings, and ſtop them, while it remains with a feature of ſedition marked upon it, verging upon treaſon, with ſuch a trifling diſtinction, that it is almoſt impoſſible for a lawyer to find the

the difference. It ſo little, that when the indictment was preferred againſt Mr. Margarot, had it not been for the ſpeed with which it was neceſſary to bring him before you, I ſhould have laid the caſe before the King's counſel in England, as to the appointment of a ſecret committee, which was ſubſequent to the reſolution of calling the Convention together, whether that *per ſe* was not ſufficient to ground the charge of high-treaſon. Sure I am, but for the act of the 7th of Queen Anne, that the Gentlemen were far within the caſe of Scotch treaſons; and in that caſe Mr. Margarot would have ſtood at your bar tried for his life.

Gentlemen, before I ſit down, let me return again to the evidence. Mr. Roſs, I think George tells you, that he had heard of a Convention Bill, and of a number of Heſſians and Hanoverians to be landed in this country, that alſo was a caſe when it was proper for the Convention to meet at the ſecret place of meeting, that is to ſay, and it is the caſe at this moment, I believe, that a body of Heſſians are paſſing towards France. If Parliament ſhould chooſe to allow them to land upon this iſland, this was an objection of legiſlation; not that we could confide to the wiſdom of King, Lords, and Commons, but the Britiſh Convention for univerſal ſuffrage was to decide alone what was to be done; a caſe much of the ſame kind with the other, even in the way that Mr. Roſs himſelf ſtates it. But I will not wound the feelings of that worthy citizen (and I truſt that he hears me), by ſaying, that he concealed the truth, I will not ſay that; but he has forgot that mighty event which his brother and Coburn ſwore to, which muſt have ſtruck the mind and ears of every man who heard it; but his memory is a frail one, and with that obſervation I leave him.

Gentlemen, we are now coming near to a cloſe. You will find a variety of other evidence, much of the ſame nature in number three of the inventory. You will find one of the documents material to be attended to in conſidering this queſtion, Whether the Convention is a ſeditious or a fair Convention? for that is the giſt of the queſtion which you are to try, and upon which you are to make up your mind. Now theſe papers are traced home to the poſſeſſion of Mr. Margarot. Mr. Aitcheſon, in his character of Aſſiſtant Secretary to the Convention, identifies a paper to which he tells you in this Convention he put his ſubſcription 'Hints on the queſtion of union;' and in the inſide are three or four different papers, which the witneſſes who made the ſearch ſwear were incloſed in it, and all relate to the ſelf-ſame ſubject; and the only other odd circumſtance which was thought of ſo much conſequence in this caſe was, in that ſolemn way the appointment of that committee of union, of which Mr. Margarot was the chairman.

He appears to be the leader of this committee of union between England and Scotland; a union which theſe Gentlemen, it ſeems, had authority to make; a union which we unfortunately

have

have been deceived, as well as our fathers, in dreaming that we poſſeſſed a union that we thought we had enjoyed ſince the year 1707, which Mr. Aitcheſon told us was nothing like the union brought about by this convention, with ſo much ſolemnity; a wild ſycophant union, I think, he called it; and Mr. Margarot is the perſon who takes the active part in this committee. Let us ſee what it amounts to. I ſhall take the paper itſelf which Paterſon, a man who, much to his credit, has ſeceded from that meeting: he, as the head of his ſection, admits that the paper was drawn up in his ſection, and was by him ſent in a letter to the Convention. Mr. Margarot deſired to know, How are you certain that paper was in the Convention? I will tell Mr. Margarot how I am certain of it. Mr. Aitcheſon ſubſcribes it at the back, "Hints reſpecting the Union;" and ſays, it muſt be put upon that paper in its reception; where Mr. Paterſon tells you, he ſent it in the common form from his ſection, which met in the morning, to the Convention, which met in the evening, and of which Mr. Aitcheſon was Aſſiſtant Secretary; and there is no reaſon to ſuppoſe that it did not reach the place of its deſtination, the Maſons' Lodge, at the foot of the Black Friars Wynd. And what is it; "Hints upon the queſtion of Union." Firſt, That the people of Great Britain, diſclaiming any diſtinction of Scotch and Engliſh do now and for ever unite themſelves into one maſs and indiſſoluble union. Then it goes on, Make known to all concerned, in excluſive terms, that this ſhall be the motto:—Reſtoration of Rights. What rights? Univerſal ſuffrage and annual parliaments; a thing that never did, and that never can, exiſt. Let them go back to the Hiſtory of England; let them go back to the deepeſt antiquity, it never did exiſt. Thoſe people, of whom Mr. Margarot ſeems to be the ghoſtly father, had not heard of the Bill of Rights, nor the claim of rights; and knew not what rights they had loſt.

And, Gentlemen, I have been taught by every writer of the laws of foreign countries; I have been taught by every enlightened foreigner who writes upon the ſubject; I have been taught by every Briton who ever ſtated an opinion with regard to it, that ſince the revolution, this country, originally free, reſiſted every invader, till gradually matured through centuries, by the ſlow mellowing hand of time, not by aſſociations of ſuch people as we have ſeen to-day, but it was clear that at that time, and till within theſe two years, we were the freeſt nation upon the face of the earth; but if it be neceſſary to conſtitute freedom that univerſal ſuffrage, or annual parliaments—that univerſal ſuffrage was a kind of proof of being free, we never have been free from all eternity, and are not free at this preſent moment. I hope in God, in that ſenſe we never ſhall, becauſe that never can take place, for the beſt of all poſſible reaſons, as I believe the late Soame Jenyns ſays. It is the beſt plan of the whole, ſays he, for the beſt of all poſſible reaſons, becauſe it is impracticable

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(goes on reading the paper) that all occurrences may be known from one end of the kingdom to the other, to inſtruct every individual of this one great but indiviſible maſs, in this way greeting together the inhabitants of this free country, France, to reject that mighty combination formed againſt them. Still they run upon the French expreſſions in every part of their minutes, in every ſpeech in their Gazetteer, continually recurring to French words, French terms, and French expreſſions. In another motion, by James Gartlay, which Aitcheſon volunteered in telling me was not evidence againſt Mr. Margarot, but it proves being found upon his perſon, it proves the nature of that convention, of which he was not only a member, but an active leading inſtrument, it is alſo marked upon the back by Aitcheſon, and this motion is that the delegation ſigned John Gartley, who is the town drummer of Arniſton near Glaſgow, that the Convention took into their ſerious conſideration the neceſſity of dividing the country into departments, in order that the friends of the people may have an opportunity of meeting in the particular department to which they belong, and thus form a ſort of Provincial Convention, that they may become more particularly acquainted with each other. In the names of the delegates, James Gartley.

Gentlemen, the honour of the ſitting appears to be given by the French Convention, to perſons they wiſh to favour, ſo we find in the minutes, among other inſignia of the honours of the Britiſh Convention, Secretary Skirving ſtated, that he had juſt now received five ſhillings from an unknown hand, for the uſe of the Convention. Honourable mention in the minutes was ordered to be made of this patriotic gift. Upon my word I never was in the French Convention, and I hope I never ſhall, but I ſhould have ſuppoſed, from what I read in the newſpapers, that I was reading of the French Convention in Paris. Citizen Callendar moved, that no perſon be allowed the honour of the ſitting, without the recommendation of two perſons; it is a favour not to be beſtowed raſhly or lightly; which, with amendments, paſſed unanimouſly. Afterwards it was moved that captain Johnſtone, and I am extremely ſorry to find him here, if he is the individual to whom I allude at preſent, becauſe it may perhaps compel other proceedings againſt him: but when he read an account in the newſpaper of the ſentence of Holt, the printer, of Newark, for re-printing the duke of Richmond's and Mr. Pitt's reſolutions upon parliamentary reform, it was moved, that Captain Johnſtone be admitted to the honours of the ſitting.

Gentlemen, there is one other circumſtance that I cannot help juſt in paſſing to take notice of, and it is that of a compulſory attendance enforced upon thoſe perſons who might have the misfortune to be deluded in a raſh unthinking moment, into a participation of their proceedings, to ſhame them from doing, as Mr. Paterſon, much to his honour did, return back to his duty. In this manner you will find, that no delegate is to leave

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his poſt, or is to get permiſſion of abſence from it, till he obtains a new delegation, a ſubſtitute in his place to act for him; we ſaw too much of this I think pointed at to-day. Mr. Margarot ſaid, he would not touch upon the ſore heel of Paterſon, in the queſtion propoſed to the witneſs, which he refuſed to anſwer, and which the juſtice of the Court would not enforce for this highly favoured Pannel, who has been favoured more than any Scotchman would have been. He ſaid, he would not touch the ſore heel of Paterſon, for having done that which I am ſure you will join with me in thinking was to his honour; and God knows, when we look at thoſe we ſaw here this morning, what this Pannel will have to anſwer for; but I truſt what has been done this day will make them ſtudy the law and conſtitution of the country, before they give an opinion upon it, and before they truſt again to ſuch leaders as Mr. Margarot and Mr. Skirving. In one of the papers, Citizen Willſon, and another, requeſted leave of abſence to be granted them; and it was moved that all the delegates ſhould have letters to return immediately, and remain at their poſts till the important buſineſs daily introduced in the Convention, ſhall be properly diſcuſſed; and in page 100 of the minutes, Citizen Scott moved, that before any delegate from the country ſhall leave his poſt, he ſhall write to his conſtituents to ſend another in his room. Agreed to, nem. con.

Gentlemen, the two inſtances which I have given are perfectly ſufficient to ſhew, that in this reſpect alſo, as in their declaring themſelves permanent, which is proved by many witneſſes, and which is proved by the Gazetteer, that they, in every paper the moſt minute, imitate in every reſpect the proceedings of the French Convention. In one word, I leave this point for your conſideration; repeating again, that thoſe words taken of themſelves, or in any different circumſtances, would have themſelves been idle, and that which you could have grounded no verdict upon; but taking them in conjunction with the evidence of the Gazetteer, and the parole evidence this day upon your table, certainly do go to the point. Is it a ſeditious meeting or not, in as much as it is proved it was a meeting calculated for the purpoſe of overawing Parliament, and reſiſting any act which might paſs until compelled to deſiſt by ſuperior force; and that conduct followed by their adopting every form of that country to which I am ſo often alluding, if you are of that opinion, you will find a verdict in my favour, for with regard to his being a ringleader in this buſineſs and being a man who conducted theſe Committees the evidence upon that point is ſo clear, it is involved in every word I have now read; the moment you have come to a determination upon the one point, it ſhews, that he is a principal in the guilt of being a Member of that Convention, and a ringleader in it, as ſuch, he is more reſponſible than

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the poor creatures whom you have seen to day, and who were under his guidance.

Gentlemen, I am afraid I trespass more upon your time, much more than I had any intention of doing, when I rose; but I cannot help taking notice of one thing which dropped from the gentleman at the bar, in the commencement of this day's trial he told us, that he had cited several persons, who were not evidences, this day upon the trial; men bearing the highest offices in the state, and at present discharging the duties of those important offices in England. And he brought evidence which I dare say is the case, that, under the letters of exculpation, which issue of course, and in which he can fill up any name that he pleases, that he subpœnaed them in London by the forms of the law of England; in the course of something which was not a very proper argument upon the subject Mr. Margarot chose to refer; and if I am not mistaken, I thank him for the expression; he referred to myself and to my own candour, if the public Prosecutor had not higher powers in bringing witnesses to this court than what he possessed. I have no difficulty, at all times and seasons, to give my opinion to a Pannel, whether I am bound to do it or not, and I was ill-prepared then to give him an answer; but I said I had no more power of compelling witnesses to come into this court, than the meanest criminal at the bar. Our rights, in that respect, and our powers are the same. I will give him an instance of it: A noted instance occurred twelve years ago, when one of your Lordships filled the office of Solicitor General of Scotland. A man of the name of M'Gee, a carrier of letters, was brought under an accusation of having embezzled letters and stolen money intrusted to his charge. The principal evidence was a woman, a relation of his own, and who, immediately after the fact was discovered, retired to England. The Solicitor General brought his indictment against him. I at that time appeared as counsel for the pannel. The trial was adjourned from week to week, and from day to day; because this material evidence, the woman, would not come, for obvious reasons, within the jurisdiction of the courts of law, to give her testimony against the pannel. And how did she at last come? Having been concerned with him, she came at last because means were found to notify to her, that if she did not come to her duty as the witness against the pannel, she herself would be tried in England, as an approver of the crime; and therefore she came to save and redeem her own life, and gave evidence, as she was bound to do; and which she would have been compelled to do, if she had been in this country; and I hope that instance will satisfy him, that even the powers of the public Prosecutor are just exactly what his are: that he must take his chance of bringing witnesses from a foreign country, as we do; and if he is not successful there is no help for it.

But, gentlemen, if it is meant by saying that these men have not

not obeyed the citation, if it is meant to found any plea of favour upon it, I leave the Pannel in full poſſeſſion of any benefit he may derive from it; but if you were to give weight to ſuch an objection as that, ſeeing the reaſon of it at preſent, there is not a pannel who would not be entitled to the ſame benefit, be his crime what it may, who will not tell you he has witneſſes in Germany, in France, in America, or in the Indies, and you muſt always take the pannel's word for it; and you will conſider if there is any poſſibility of doing duty to yourſelves or your country, if you receive excuſes of that kind.

Gentlemen, before I ſit down, I muſt obſerve it was ſaid, that in all their pretenſions they were not afraid of what they were about. I omitted to mention one very material paper, which I truſt will ſatisfy you that the Gentlemen were perfectly aware of the danger of what they were about; in a letter from Mr. Hardy, who is the ſecretary of the London Correſponding Society, which was found in the poſſeſſion of Mr. Hardy, after a long account of what was going on, and telling him, that they had ſent draughts, and complaining of the ſhort coming in of the funds which were ſubſcribed, it ſeems, for the carrying Mr. Gerald down to this country; which, he ſays, had fallen lamentably ſhort of their expectations; and at laſt concludes thus: "I have to inform you of the wiſh of the Society, that you "would favour them with the number of delegates in the Con-"vention from England; alſo and how the civil and military "power reliſhes your meeting." Upon the 8th of November, 1793, a few days after Mr. Margarot and Mr. Gerald arrived in this city, upon an object which they are not aſhamed or afraid to avow, an object of the public good, and of Scotland in particular, it is ſomething extraordinary that it ſhould come into the head of the ſecretary of the meeting, by which they were appointed, to aſk the queſtion, how the civil and military power reliſhed their meeting. The military power has never interfered: it cannot interfere to check ſuch meetings as theſe though the conſequences of ſuch meetings, I hope and truſt, never will be ſuch as to render the civil power compelled to adopt that laſt and neceſſary meaſure; though, were I to look at the ſpeech of Mr. Gerald, ſtated in the Gazetteer, mentioned in the minutes, and which he gave immediately after that ſolemn reſolution was come to, I will not at this hour trouble you with quoting it, it would be clear to demonſtration, that Mr. Gerald at that moment ſhews, in ſtrict terms, what is his meaning, that this reſolution was come to, with the purpoſe of reſiſting lawful authority by force, as Coborn tells you, paying no regard whatever to it, though paſſed by the Legiſlature; in that ſpeech referred to in the minutes, and in the Gazetteer, he ſays, I riſe to congratulate the Convention on the adoption of this reſolution, not only on the propriety of the meaſure itſelf, but on that unanimity and ſolemnity with which it is paſſed: then goes

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on a long ſtory, with regard to the Iriſh bill. But the concluſion is this, though I could not get a copy of this bill, the heads which I have read are ſufficiently explanatory of its deteſtable principles, which was a bill paſſed for the expreſs purpoſe of preventing the meeting of a Convention formed upon French models, and imitating French politics. I read the other day a ſpeech of one of the ableſt men in the Iriſh Parliament upon that ſubject. The object of that bill was to check a ſociety of united Iriſhmen; a ſociety alſo with whom I have the honour to be acquainted; a ſociety which ſent ſome papers to this country of ſo ſeditious a nature, that even the firſt convention refuſed to receive it, as being a treaſonable paper, for which the unhappy mover is now ſuffering the puniſhment that the law has awarded. He goes on: I hope the motion, which has paſſed this night, will convince the miniſter, that we are determined to guard againſt every attempt that may be made to deprive us of our rights; and, though by ſome it may be thought a bold, by others a daring meaſure; yet it will be found the beſt for ſecuring the peace of the country: for if ſuch a law were ſuffered to paſs, if men were not allowed to utter their complaints, a number of rancorous paſſions would ariſe, and we ſhould ſeek to appeal to that laſt terrible deciſion, the event of which is uncertain; but which God and nature allow. If the ſervility of the people had been leſs, if they had dared to meet, and in place of murmuring, had told the rulers, that there was danger in ſeeking to deprive them of their liberties, we need not have had that reſolution to have recurred to to-night; but when I ſaw the calm deliberate countenance of every one preſent, and the ſolemn manner in which it was paſſed, I was convinced that it was not only a reſolution of words, but a rule of action. This is the commentary which Mr. Gerald gives to that reſolution, which I have already ſtated as being compoſed in artful ambiguous terms, and to which I have affixed ſo criminal and ſo guilty a concluſion. It appears to me, and I truſt will appear to you, that the purport of that reſolution ambiguouſly worded, and come to with ſuch awful ſolemnity, was a reſolution that, in any of thoſe emergencies, if they had happened, was not to be a reſolution of words, but a rule of action; you are to conſider whether that is to be ſuffered; and I know, becauſe it is the common law of the country, that your powers, as Jurymen, are ſufficient to check ſuch conventions. If ſuch men are to meet to conſider what are their rights, and what ought to entitle them to that laſt and terrible deciſion, the event of which is uncertain, but which God and nature allows. If you permit that to be allowed, where is the ſecurity of your laws, your lives, or your liberties? Where is the protection which this government gives to all, high or low, rich or poor, if theſe men's opinions, be they ever ſo learned, are to be ſet up in oppoſition to the Britiſh Parliament; or if they are to judge in what point they are to recur to that laſt

and terrible decision, which comes to that which we see in a neighbouring country, where blood and devastation are the certain consequences.

Gentlemen, before I conclude, something was said, and I hope I vindicated you; in the commencement of my argument; something was said about the Juries of this country, something was said against myself and the other servants of the Crown. If he means the servants of the Crown in this country, I unquestionably stand amongst them. It is said that we are the persons guilty of Sedition; that we sowed sedition between our master and our fellow subjects; and that we are the proper persons to stand at that bar; that to us are to be imputed the offences with which I have charged him. Upon that point you must determine, and I feel not the least difficulty in thinking that upon that charge I shall meet with a compleat acquittal: all that I now say, that standing in the situation which I do, and ably assisted as I am, I have never brought any indictment against any man for any offence, I never opened in my life a bundle of papers which were laid before me, containing the case of a proposed criminal, without an awful feeling upon my mind of the delicacy and the extent of that duty which depended upon the exercise of my understanding, and consulting my conscience upon the subject. If you differ with me upon this occasion, I should at least hope, if it is possible we can differ upon the subject, that you will not think that I have brought any improper or oppressive prosecution before you; at least, if I am guilty of seditiously perverting the duties of my office to any purpose, I shall look back with some consolation that hitherto I have received the best support, which comes home to a man's conscience, the unanimous opinions of a jury of my country. Something was said of being a place-man and a pensioner. I am a place-man, it is true; I have been ten years in two high situations; and I have and am unquestionably liable to that unfashionable imputation of the British Convention; that even the boy they called exulted that he was not a pensioner. I plead guilty to the charge of being a place-man; as to a pensioner I am not, I should feel myself mean indeed in my own eyes, if, by accepting the situation I now hold, my independence was injured in the smallest respect. I have been, by accidental circumstances, early brought forward to those situations, if I found them militating against the dictates of my own mind, I trust, with all the emolument of it, nothing should tempt me to retain it, or prevent me from throwing it up. I feel that I have done nothing but brought the guilty to justice; and as to what they may say, I care not for it. They have my full approbation: they have a better thing, they have a right to attack me upon that score; as to a pension I have none, nor am I liable to such an imputation. I have, from the earliest period of my life, born in this place, from the moment I came to that bar, I have supported myself; and, were I to be turned out to-

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morrow, I ſhould retire behind that bar, and my friends round me, as free of the public money, as poor and as independent a man as I was in 1784, when I was firſt introduced within in. I beg pardon for having deviated from that ſtrict line of my duty; but having been attacked, and probably ſhall again be attacked as a placeman and a penſioner, which is the cant phraſe of theſe gentlemen of the Britiſh Convention, I thought proper to ſay ſo much before I ſat down, and before I call upon you, which, I hope and truſt will be the caſe, to return that verdict which I think is founded upon the evidence, that this man is guilty of the crime of Sedition with which I have charged him.

Mr. Margarot. Gentlemen of the Jury,—I ſhall come undoubtedly with great diſadvantage, after the florid oratory of the public Proſecutor; however, he fortunately for me has been ſo very profuſe in many points, that it reminds me of Shakeſpear's proverb.

" Two grains of wheat in a buſhel of chaff."

I addreſs myſelf at preſent to my country, and through the medium of a Jury.—You are the repreſentatives of that country;—great is the truſt repoſed in you, you are men, I make no doubt, of untainted,—of unſpotted characters, and I hope you will prove yourſelves ſuch.—High ſounding words I hope will yield to plain ſenſe.

Gentlemen, I am not an attorney, thank God;—neither am I a Member of Parliament,—thank God likewiſe.—It is the public Accuſer's buſineſs to ſet forth, in the moſt lively colours, every crime, or imputed crime, which he ſtates at the Bar of this Court.—I do not blame him for ſo doing. I do not find fault with him for making the moſt of his talents, or doing the moſt for the money he receives.—He has however tried to prejudice you in the firſt inſtance againſt me. He has thrown out that I have aſſerted you are a packed Jury.—It is a falſehood.—Forgive me, Gentlemen of the Jury,—forgive me, my country, if I ſpeak a bold but plain language.—I cannot give you (for I am not a ſycophant) high ſounding words, but that which you will underſtand. I did not ſay you were a packed Jury—I objected to not one of you, but objected to the unconſtitutional way in which I ſaid the Jury were choſen out of the Aſſize; becauſe it is in the breaſt of Lord Juſtice Clerk to pick out ſuch as he thinks proper; and therefore though you are not a *packed* Jury, when he chuſes to exert his ſkill and penetration that way, you may become a *picked* Jury. However at preſent the cauſe is of great conſequence; it is not merely a criminal at the Bar that you ſee in me;—it is not the crimes of an individual; it is not the efforts of one ſingle perſon that are attacked;—no, it is at preſent your own rights which are attacked, as it is the rights of your country, and your country look to you to do thoſe rights juſtice, and to ſuſtain them.—Gentlemen, the public Proſecutor has found means to blend trials, crimes, criminals, various perſons

ſons and various articles of accuſation altogether, in order to make a ſum total of ſuch a ſize, as ſhall ſeize upon your imagination, and make you behold a mountain of guilt, where, in fact, there is not even a mole hill of imprudence—In me at preſent, I am ſorry for it, and it will appear perhaps a kind of pride; but it is the truth, that in me the cauſe of Parliamentary Reform is this day attacked—it is not the individual me—I ſhould have eſcaped notice; but it is the dangers impending from abroad, and the dangers impending at home, on the heads of thoſe who now occupy ſome of the higheſt ſtations in the ſtate;—of thoſe who, entruſted by the Crown with the greateſt powers, may perhaps have made a worſe uſe of them than they think they could anſwer for before a Parliament, fairly and freely choſen by the whole people of this country; and yet that very cauſe of Parliamentary Reform was eſpouſed by theſe very men before they were in place.—

Gentlemen, the public Proſecutor has ſaid, that I attempted, both in doors and out, to ſhake the confidence of the people, with regard to a Jury; and he afterwards with truth added, that a Jury was the brighteſt privilege of Engliſhman.—So it is, where a Jury is faithful to its truſt—it is the greateſt privilege the Engliſh Conſtitution knows of; becauſe, Gentlemen of the Jury, when you are honeſt, you ſtand not between the law and the accuſed, but between thoſe in power and the accuſed;—you ſee the due execution of the laws;—you ſtand between the accuſer and the man who is perhaps weaker than the accuſer, either in tongue or in knowledge; and as he has thought proper to avail himſelf of that ſuperority and to carry it forth, I will undoubtedly yield to him in regard to talents and eloquence, but for the ſoundneſs of my doctrine I will not yield to him.—Gentlemen, I never attempted to prejudice the people againſt a Jury. I ever will lift up my voice againſt any act of iniquity, in impannelling a Jury,—againſt every act of iniquity, in trying to miſlead a Jury, or in trying to influence a Jury, even if the man on the Bench tries to influence a Jury, I ſhall try to ſtop him, I ſhall withhold him, and tell him, it is not his duty, though he ſits there as Judge, and I ſtand here as criminal, it is my right as a Briton, to keep him within the bounds of his duty, to keep him cloſe to the execution of the laws, if he attempts to depart from them in any one inſtance.—With the ſame ſpirit of inflammation, the public Proſecutor has ſwelled out the treaſonable matter which he ſays lies on the table; and he is obliged, in the end, to tell you, that if it appears to you that the Britiſh Convention really had no ſeditious motives, if they were only, *bona fide*, ſeeking a Reform in Parliament, whether it was to be by annual Parliaments, or whether it was to be attended with univerſal ſuffrage, or in whatever way it may take place, yet that Convention muſt be innocent; but ſays he, you muſt concur with me, that the parole and written evidence are more than ſufficient to prove me guilty;

guilty; and adds a very curious reaſoning:—he ſays, if you wait till you have poſitive proof, it will be too late; therefore, make haſte, avail yourſelves of the preſumptive proof that I give you, and condemn him, which is to ſay, ſport with the lives,—ſport with the liberties of Engliſhmen, for fear of accidents befalling you hereafter.—Is that the language of mercy?—Is that the language of the Conſtitution?—Is it the language of the Laws?—He calls his proofs in the firſt inſtance ſolid and convincing; although, at laſt, he is obliged to have recourſe to that ſubterfuge; he ſays it amounts to more than ſedition, and arraigns the ignorance of the Members of that Convention at the ſame time that he arraigns their wickedneſs, that they pretend to be ignorant of what really is ſedition; and yet he does not deign to inform them.—He ſays, it is as ſtrictly defined as murder, but he does not give you that definition; he only ſays, we are guilty of Sedition.—Now ſedition muſt be ſome act; it cannot be a concealed operation of the mind, it muſt be an overt act; and yet he wants you to judge not of our overt acts, but of our intentions; which, all the witneſſes have agreed in ſaying, were peaceful, orderly, and ſeemingly legal. I ſay ſeemingly, becauſe, as there is that idea of our appearance being different from our real intention, I put the word ſeeming into their mouths; but I profeſs to you that our intentions perfectly coincided with our operations.—He acknowledges the right of the ſubject to addreſs the king or petition the Parliament; and it is well that he acknowledges it.—The affront upon your underſtandings; I repeat it, the affront upon your underſtandings would be too groſs, were he not to acknowledge that freemen have a right to petition for redreſs, when they think themſelves abuſed.

You are not to judge (a curious reaſoning) Gentlemen you are not judge upon any particular fact;—you are not to judge merely upon the evidence brought againſt me;—you are not to judge upon thoſe trivial matters brought forth to night, which apply entirely to me; but you are to judge from the contexture of the whole. You are to judge from papers that are to criminate Skirving, Brown, Sinclair, Callendar; and, as I underſtand there are a great number more againſt whom indictments are making out, theſe papers are to criminate all; and the contexture is to criminate all. He has wandered far from the indictment; he aſſerts of his authority, however, it is but juſt that, while he allows you the talent of prying into the hearts of men, it is but right, he ſhould retain ſome ſhare of the ſame penetration; and therefore with that ſagacity which he claims, he ſays that our intentions were poſitively to join the invaders of Britain, let them be who they would, he does not name them, and then he deſires you, in a moſt pathetic manner, to lay your hands upon your hearts, and ſee if ſuch men ought not to be pronounced traitors to their country. Undoubtedly men doing ſo would be traitors to their country; but how does he prove that

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was our intention? He brings you forward far more convincing proof than writtten evidence; he brings you forward a blank to prove our guilt. He acknowledges that no notice has been taken of three prior Conventions; and yet it will appear to you, gentlemen, by those who have attended these prior Conventions, that this Convention acted exactly upon the same plan; therefore the laws of the land were either asleep at that time, or they are over vigilant at this. He calls us a set of French Conventionists. I do not believe there were five men in the Convention that can speak French. I do not believe that there were five men who had an adequate idea of France; and it does not appear, from the evidence that has been brought before you, that any single member of the Convention has any intercourse whatever with France; but yet it is criminal in us to adopt certain terms. Those terms, taken by themselves, he tells you, are not criminal; but take them, at this present crisis, altogether, form a mass of guilt which it really hurts him to mention, he is so tender. However, to support this allegation, he does not bring any proof; he gives it merely as an assertion; and which is as legal an authority, as he undoubtedly held those orders which he gave to Mr. Davidson, the Sheriff Substitute; and which, by the bye, he acknowledges. He reflects upon me as being, or pretending to be, an Englishman. Dare he doubt it, or dare he dispute it—I have been, I acknowledge it, obnoxious to his uncle or father, or whoever he is, in London and several other Members of the Administration. Those who profit by the spoils of the nation, those who once were friendly to a Reform in Parliament, but now they have got into the enjoyment of the good things of the treasury, seek no more that reform. Had I been a foreigner I should have been long ere now sent abroad under the Alien Act.

Gentlemen, he alleges against me, as an article of accusation, a motion said to be made by me; and he then reverts to the testimony of Ross and Coburn, and supports it by other charges of certain forms which Mr. Callender (who, it seems, has run from his bail in a most disgraceful manner) wished to introduce into the Convention—A Reform of Parliament, he will not admit—he calls it (but it remains for the nation to determine, whether he calls it rightly or not) a change of the Constitution. A Reform undoubtedly would make a change, but it would not be in the Constitution; though, to be sure, a change from sickness to health is so far a change in the Constitution; but it is possible that you may recover your pristine health, and make no alteration in your former Constitution? you only do away your disease; and that is the way in which a Reform is meant to operate. He pleads much against universal Suffrage, and annual Parliaments. Indeed annual parliaments he touches more tenderly upon. However, the same power that made them from annual to triennal, and from triennial to septennial, may very likely go on to make them for life, or even hereditary.

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But to shew that universal Suffrage has taken place, I will give you a quotation from a Scotch Author. The Lord Advocate has said, it could not take place for the best of all possible reasons, (and I have heard that twice in this Court) because it is impracticable. A Lord, learned in the law, and whose authority none here will deny, Lord Kaims, says, that, " with regard " to this matter one thing is certain, that the *Regiam Majestatem* " was compiled in the days of one of our Davids. The author, " whoever he be, declares that he was commanded by King " David to compile this work with the counsel and advice of his " whole realm." There, Gentleman, you see it is not the advice of representatives; not the advice of individuals; but it was the advice of his whole realm. The same Lord Kaims does not fix a Government, or a Constitution to any one particular point. He does not tell you that the Constitution of Great Britain is the very best that ever existed from all eternity, as our learned Lord does; or that it will endure to all eternity, but he says, " Government is one of the arts which necessity has " suggested, which time and experience have ripened, and " which is susceptible of improvements without end. It must " also be the privilege of every Society to improve upon its go- " vernment." There you see, Gentlemen, there you see, people of this country, that it admits of improvements without end; and therefore that which is good to day may be better to-morrow. Lord Kaims says, " it is the privilege of every Society to im- " prove upon its government;" and what signifies the privilege, if we are not to have the enjoyment of it. I will warrant the learned Lord, that whatever privileges he enjoys, in his situation, he would not think them privileges, if he was debarred from the enjoyment of them—Then, why should a nation be deprived of that which would be a loss to an individual, whose interest it is that the government should be good. Is it the interest of the few, or the interest of the many?—Undoubtedly it is the interest of the many. It is the concern of the many, and consequently the interest of the many. He continues,— " It must also be the privilege of every society to improve upon " its government, as well as its manufactures, husbandry or " other art invented for their good"—Here you see if an improvement is admissible in an art, it is so in government. " No " particular form therefore can be essential, as no particular form is " preferable to another." This is a Scotch Lord who speaks, " un- " less by having a greater tendency to promote its end—the good " of the society." Therefore, how excellent soever our Constitution may be in its present form of three estates, and in the present most excellent, most immaculate ways of electing Members of Parliament; yet, if there is a better mode of electing Members of Parliament, it is not only our right, but our duty to do it; yet meetings for that purpose are deemed seditious, although there is

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no overt act of Sedition, but merely the conſtruction of the public Accuſer, for the doctrine that he has pleaded is, that before a man is guilty you ſhall hang him, that he may not become a rogue.

Gentlemen, another great point is the committee of ſecrecy; that galls him ſorely. Undoubtedly we ought to have told him what we were about. We ſaid we had no ſecrets, and immediately after appointed a committee of ſecrecy. It is true, and there is no inconſiſtency in it. We had no ſecrets to go upon; our plan was perfectly conſtitutional, and muſt operate for the common good; but, at the ſame time, feeling ourſelves under the arm of power; feeling ourſelves to be militating againſt abuſe all powerful, it was prudent in us for the preſent not to expoſe ourſelves more than neceſſary: it was prudent to ſecure to ourſelves a ſafe place of meeting. He has ſaid, it would be rebellion, and an overt act of treaſon. As to that I do not ſee how a ſecret meeting can be an overt act of treaſon. We ſhould have been able to repair to the place of meeting ſecretly, becauſe we knew every ſtretch of power would be made uſe of againſt us, and there is more reaſon to ſuſpect that the preſent war with France is not directed ſolely againſt France, but againſt the reform in England. It was meant by that war to divert the attention of the public from that cauſe, under the pretext of that ancient prejudice, that that country was always our natural enemy; the numerous failures that are daily taking place; the numerous loſſes that we have experienced, both, I am ſorry to ſay it, both by ſea and land, teach us that that war is far from being a profitable one; teach us, that we are farther off gaining our end now, than we were at the beginning of that war; for we are at this day leſs able to treat, or to treat on ſuch advantageous terms with that nation we have ſo much deſpiſed as we were at the beginning of the war. Ruin ſtares us in the face in every part of the kingdom; every manufacturing town is labouring under the greateſt miſery. London ſhews no leſs than 8000 Spitalfields manufacturers who are ſtarving. Norwich, another great trading town (from which I have appeared in the Convention as a Delegate) is in ſo diſmal a ſituation, that the poor rates, which were at firſt, two years ago I think, or 18 months ago, but 3s. 6d. in the pound, now amount to the enormous ſum of 17s. 6d.; and, by Lady-day next, they will be 20s. in the pound, owing to the preſent war.

Gentlemen, I hope you will not think it impertinent in me to follow the example that has been ſet me, of reading from a newſpaper. It is not altogether ſo pleaſing a fact to me, as that which the Proſecutor ſtated from the Gazetteer was to him. It gave him ſatisfaction that it criminated me—it gives me pain that I am obliged to criminate thoſe that are in office. I will read to you a letter from a clergyman who viſited the Spitalfields' weavers, and made a report of that viſit. You will by this ſee part of the

the distress in which they are now plunged, owing to the war: it is a letter addressed to the Reverend mr. T——. *(Reads it from the Morning Chronicle.* See Appendix, No. 1.)

Gentlemen, I will also read you a paragraph uncontradicted by authority, from the Morning Chronicle, of 11t January, 1793. The Editor says,—" In one short month (December 1792)"— *(See Appendix, No. 2.)*

What is that but saying, that our constitution is greatly impaired within these twelve months, if we do not look to it, we shall have nothing but an Italian or a Spanish constitution left to us. How therefore are we to restore that constitution but by a timely reform? and how are we to obtain that reform, but by pursuing it with vigour? and how are we to pursue it, if we are not to meet, and if an English Jury will permit a public prosecutor (and believe every word he says) to throw an odium upon them; and say, that though their meaning may be good now, it may in future be bad; and therefore you must condemn them as seditious. As a further proof, however, of the constitutionality of these meetings, and the right we have to revert to our original constitution, and to do away the existing defects of that which is termed the present constitution; I will read to you a letter from Lord Bathurst to Dean Swift; although in his time the house of Commons was corrupt; since that time no great effort has been made to amend it; and we all know that human institutions, however good they may be in their first setting out, go naturally to decay, unless repaired. It has moreover been asserted, that one of the glories of our constitution is, that it is of such a nature, that it will admit of repair without being thrown out of order, and will always be advantaged by it; and that repair must come from the people; but hear what Lord Bathurst says: " I am convinced that our constitution is already " gone:" luckily for the public prosecutor he has found it to-night, " and we are idly struggling to maintain what in truth " has been long lost; like some old fools here, with gout and " palsies, at fourscore years old drinking the waters," he was then at Bath, " in hopes of health again. If this was not our " case, and that the people are already in effect slaves, would it " have been possible for the minister, who projected the excise " scheme (before the heats which it had occasioned in the na- " tion were well laid) to have chosen a new parliament again " exactly to his mind? and though perhaps not altogether so " strong in numbers, yet as well disposed in general to his pur- " poses as he could wish. His master, I doubt, is not so well " beloved as I could wish he was." You see that even in the time of Lord Bathurst there were no greater enemies to the King than bad servants; for none alienate the affections of a people from a King so much as bad servants of the Crown.—" His " master, I doubt, is not so well beloved as I could wish he was; " the minister, I am sure, is as much hated and detested as ever

" man was;" whether that applies to the preſent time or not, I leave the people of England and Scotland to diſcover, " and yet " I ſay a new parliament was choſen of the ſtamp that was de- " ſired, after having failed in the moſt odious ſcheme that ever " was projected. After this, what hopes can there poſſibly be " of ſucceſs? Unleſs it be from confuſion, which God forbid I " ſhould live to ſee. In ſhort, the whole nation is ſo abandoned " and corrupt, that the Crown can never fail of a majority in " both houſes of parliament. He makes them all in one houſe, " and he chooſes above half in the other, four and twenty bi- " ſhops," very upright men, " and ſixteen Scotch Lords is a " terrible weight in one; forty-five from one country, beſides " all the Weſt of England, and all the government boroughs, " is a dreadful number in the other. Were his majeſty inclined " to-morrow to declare his body coachman his firſt miniſter, it " would do juſt as well, and the wheels of government would " move as eaſily as they do with the ſagacious driver, who now " ſits on the box. Parts and abilities are not in the leaſt want- " ing to conduct affairs: the coachman knows how to feed his " cattle, and the other feeds the beaſts in his ſervice; and this " is all the ſkill that is neceſſary in either caſe. Are not theſe " ſufficient difficulties and diſcouragements, if there were no " others, and would any man ſtruggle againſt corruption, when " he knows that if he is ever near defeating it, thoſe who make " uſe of it only double the doſe, and carry all their points fur- " ther, and with a higher hand than perhaps they at firſt in- " tended." Therefore the poor Reformer generally comes off the worſt; as perhaps will be the caſe with thoſe now at your bar. Gentlemen, ſince the days of Lord Bathurſt the diſorders of the ſtate have gone on encreaſing, and we are now loaded with ſuch an immenſe debt, that it is incomprehenſible how the nation ſupports itſelf under it; and there are now forty millions more to add to it, for the ſake of preventing a reform in parlia- ment. A foreign war was entered into with that view, while the Crown Lawyers have been buſy at home: words have been raked up of as far date back as a twelve month; ſpies ſet in pri- vate families; ſervants interrogated; the man has been ſet againſt his maſter, and the child againſt its parent. Every art has been uſed to bring forth criminal proſecutions, in order that reform may be diſcouraged in every ſhape; and that thoſe, who had been the foremoſt in attempting any thing like reform, ſhould be ſtigmatiſed as ſeditious,—treaſonable,—as ringleaders. —Theſe words you have vociferated again and again, until they muſt have tired your patience.

Gentlemen, here is a ſtatement of the national debt, which perfectly applies to the caſe in point. The national debt began with our happy revolution, which we are all bound to praiſe; and would to God the conſtitution was as ſound now as it was then. The national debt was a ſcheme deviſed by William and

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Mary, to secure their footing in England. At first it amounted, I believe, to seven millions; but during that reign it increased to sixteen millions, and the wars of Queen Anne increased it to fifty-four millions—the amount of the debt at the end of the war of 1748 was 78,250,000l.; the amount of the debt at the commencement of the war in 1775 was seventy-five millions; after that there was a diminution took place of about four millions, which were paid off. At the end of Lord Chatham's war, the national debt amounted to one hundred and forty-six millions; it diminished by the peace to one hundred and thirty-six millions, so that a peace which lasted till 1775 diminished it ten millions, and in the war from 1775 to 1783, the infamous American war, where you will recollect the Americans were first treated as rebels, exactly in the same manner that the French are now treated; they were deemed rebels; they were deemed a set of villains; they were deemed the worst creatures upon the face of the earth; and whenever they were spoken of, it was one Handcock, one Adams, one this, one that, and one the other, till we found, at the end of ten years war, and an expence of one hundred and thirty-four millions, besides one hundred thousand lives lost in the war: we were obliged to give up the war, and accept of an Ambassador from them: and, at the time of Mr. Pitt's accession to the treasury bench it amounted to two hundred and seventy millions. At this present day it is upwards of three hundred millions; and if we go on thus, year after year, we shall soon make it four hundred millions. But the remarks in this paper are more apposite.

"So immense a debt as two hundred and seventy millions, "bearing an interest of about nine millions and a half, was an "alarming circumstance to the public, after the loss of half the "British dominions abroad; and something must be done to "divert the attention of the people from any serious enquiry "into the corruption and abuses which had involved the nation "in such ruin."

"Mr. Fox was for probing this ulcerated wound to the bottom, "and meting our situation in an open and manly manner, but "the *secret junto* in the Cabinet,"—and that junto, Gentlemen of the Jury, I will tell you originated in Scotland. I know not at present whether it continues its root there or not; I am much inclined to think it does; but the secret junto—"foresaw, that "such a measure would lead to impeachments, refunding and "confiscation of property. He was therefore turned out of office, and Mr. Pitt seduced from his friends and party to "become the tool of those who began to be alarmed for fear "an investigation should take place." Here then Mr. Pitt is only the ostensible minister, while in fact he is ruled by a secret junto. "A bubble was invented to amuse the people, "and stop the mouths of the monied men, the weakest that "ever was formed, and the most ruinous and wicked one that

" that ever ſucceeded. The underſtrappers in office," in England, gentlemen, we have underſtrappers in office as well as in Scotland, " and treaſury runners, were inceſſantly employed in " blacking Mr. Fox, and circulating in every company, that Mr. " Pitt was to pay off the National Debt. The meaſures he a- " dopted for that purpoſe were cried up as a maſter piece of " wiſdom: and this was again rung in the ears of the credu- " lous people in every corner of the kingdom by the proſtituted " prints in the Miniſter's pay. By ſuch means, this extraordi- " nary bubble was blown up to an enormous ſize, and the trou- " bles in Holland and France, as long as we kept in peace with " the laſt mentioned nation, were favourable to theſe meaſures. " The prodigious demand for our manufactures, the increaſe of " trade."

I was in France, gentlemen, between three and four years ago upon a mercantile expedition. I had an opportunity of viewing all the great warehouſes in France, from the northernmoſt extremity to that very ſouthernmoſt point of Toulon, which we have lately abandoned; and I will tell you, that in one ſmall town not ſo large as Leith, there was at that time Engliſh goods beſpoke, and in a great meaſure paid for, to the amount of three millions ſterling; that kept our manufactures afloat, that gave proſperity to the Nation, and that was in conſequence of the commercial Treaty which was entered into between the two countries about five years back, and in which I am not aſhamed to ſay that I lent my humble aſſiſtance, not officially to the Miniſter here, but unofficially to the Miniſter in France, becauſe I knew the commercial connection of two nations was the way to enrich both, and becauſe I knew that to do away that idea, that they were natural enemies, and ſhould go to war upon every trivial occaſion, was the only way to keep us in peace and prevent the ſhedding of blood, which I am always ſorry for in any caſe whatever. I wiſh I could ſay ſo of our Governers, " the " influx of money from France, Holland, and the convulſed " parts of Europe, gave Miniſters an opportunity of levying " enormous new taxes, even in time of peace," while we were pretending to pay off the National Debt, every year brought us new taxes; why? becauſe a majority in the Houſe of Commons was to be ſecured. " Mr. Pitt took every advantage that all " thoſe favourable opportunities gave him, and loaded the Peo- " ple with ſuch heavy, partial, and grievous taxes, as no Miniſ- " ter ever before attempted, even in times of war." I doubt not, people of Scotland, but you labour under grievous taxes, as well as we in England; there is one I will give you an idea of, the Salt Tax, which flies in the face of common ſenſe; but it is kept up for a reaſon which I will tell you by and bye; the collection annually amounts from 19 to 20,000l. but the expence of collecting it amounts to 30,000l. People who are unthinking may ſay, why does not the Miniſter fell it when he loſes ſo much

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by it; it gives the Miniſtry at the trifling expence of 11,000l. *per annum*, it gives them a patronage of 30,000l. "Mr. Pitt's "Shop Tax, Fuſtian Tax, his Tax on the Poor Servant Maids, "the extenſion of Exciſe Laws, his Commutation Tax, and "others equally obnoxious, are witneſſes of the truth of what I "now advance; with all his low cunning, artifice, exertions, "ſpies, informers."

Gentlemen, the Convention is reproached with adopting French words and French manners; it is now about ſix years ago that the Commercial Treaty was, I muſt not ſay on the *tapis*, but was pending in the caſe I mentioned before, in which my humble efforts were uſed; I had acceſs to ſome of the dependents of the French Miniſtry, and I there found that in Pitt's cabinet there was a ſyſtem of Police; I made uſe of that word, which is adopted in Ireland, in a great meaſure in London, and very likely will be ſoon introduced into Scotland, if not already; the French Police, Pitt applied to Bretagne, and from them obtained every article of the French Police, Spies, and Informers and every thing except the Baſtile; they had but one, and they could not ſpare that one: however we have made ſhift without it, having converted Newgate, and the Counter, and other priſons to that purpoſe, until a proper one ſhall be built; there is one building in the neighbourhood of London, and I think I have ſeen ſomething like one building in the neighbourhood of Edinburgh; he has imported Spies and Informers, who have exerted themſelves, and every one of them has been well paid for it; Spies and Informers, French things as well as French words. And I believe the Nation, at that time, though much degenerated, I have reaſon to believe, that at the firſt outſet of Spies and Informers, the Police of England were at a loſs to find Engliſhmen willing to undertake thoſe odious taſks; ſorry I am to ſay, that that repugnance is now nearly done away, that there is not a public company without a Spy in it, and even the ſervants of the Crown glory in their having Spies; ſome are more diligent than others; I ſaw one here to-night, who, though he keeps ſix Spies daily, it is no uncommon thing for them to regret, at the end of the week, that they have brought him no intelligence; backed with the moſt extenſive commerce ever known, our manufactures and internal trade, puſhed by induſtry, private credit, and paper currency, to a pitch never before heard of; and, in ſhort, the whole credit of the merchants, traders, and manufacturers, exerted to the utmoſt, to keep every hand uſefully employed, was not ſufficient to raiſe taxes to pay the intereſt of ſo immenſe a ſum as two hundred and ſeventy Millions of National Debt, defray the expences of Government, which, together with the intereſt, amounted to the enormous ſum of about ſeventeen Millions in time of Peace, without reckoning the Millions to be annually provided to ſupport this bubble; all this, notwithſtanding the flouriſhing ſtate which peace and the unexampled induſtry

duſtry of the people to revive our trade and commerce, could not be annually drawn from their labours, nor raiſed by any of the oppreſſive means adopted, without borrowing new loans; on one hand, as ſtock was purchaſed with the public money, on the other, that is to ſay, in paying the National Debt, you took the money out of one pocket, and paid it into the other; but while you did that, ſome of it always fell to the ground, which you never will ſee again: that money is employed in keeping up the price of Stocks; ſome thouſands go weekly that way; a Reform in Parliament would do away that abuſe. "The Bank, "that ſacred, public, and private repoſitory for wealth, was "ſqueezed out of half a Million. This drew on them creditors "for the unclaimed dividends to a much larger amount, and o-"ther means, equally unjuſt, were purſued to ſupply the deficiency." But all this would not do; the bubble muſt ſooner or "later burſt, and with a dreadful exploſion, unleſs ſpeedily pre-"vented by a more ſkilful financier than Mr. Pitt." This bubble does not only threaten this Empire with the moſt terrible convulſions, but to ſpread miſchief into other countries. We have been told, that the Bank of Amſterdam is intimately connected with our own; if that fails, ours will, and that was given as the reaſon for our going to war; and very likely our going to war, will be a reaſon for our Bank failing: "it is form-"ed on ſuch ruinous principles, that it is impoſſible all the ener-"gy and induſtry of a brave, hardy, and loyal people, when "ſtrained to the utmoſt pitch, can ſupport it; it was ſetting the "Public to roll a heavy ſtone up a ſteep mountain, which grows "ſteeper and ſteeper as the ſummit is approached. To attempt "to pay off the National Debt by purchaſing Stock, is one of "the moſt barefaced robberies." Here is language! this in Edinburgh would be Sedition; it would go near to be Treaſon —"the attempt to pay off the National Debt by purchaſing up "Stock, is one of the moſt barefaced robberies committed on "the People, that ever was attempted in any civilized nation." Here you ſee Mr. Pitt is called a robber, and the moſt barefaced and impudent robber that ever was, "loading the People with "unbearable Taxes, to enrich who? the Stockholders, the Mo-"nied-men, and Gamblers, in the Alley; theſe were ſure to aſ-"ſiſt the miniſterial runners in blowing up this bubble, which "brought ſo much griſt to their mill; by their united arts and "unwearied efforts, they actually raiſed the price of Stock to "ſuch a pitch, as to make the Public pay more than 30 l. ſter-"ling more than the intrinſic value, upon every 100 l." And as long as the induſtry of the People could bear ſuch burdens as were heaped upon them, there is every reaſon to believe they would riſe higher and higher; ſo that the more the Public purchaſed, the more they would have to pay for the remainder, providing this bubble was ſuffered to continue. Mr. Pitt, inſtead of paying off any part of the National Debt, in time of peace,

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by his plan, had added many Millions; and if we are to go on in this ruinous plan, the increaſed price of the ſtock will load us with more than 150 Millions more than was ever owed or pretended to have been borrowed.

There, Gentlemen, in conſequence of this ſyſtem, the Nation will find itſelf debtor 150 Millions more than ever was pretended had been lent to it; an immenſe ſum of itſelf, but which the Nation would have been barefacedly robbed of—150 Million ſterling which we never borrowed. "It will eaſily be ſeen, by "examining the Hiſtory of the Revenue, or this brief ſtatement, "that every war which this Country has been engaged in has "nearly doubled the former Debt and Taxes, let them amount "to what they might; and yet the Nation has been plunged "into a war, with this heavy milſtone of two hundred and ſe-"venty Millions about its neck. The effect of this ruth mea-"ſure has been ſuddenly and ſeverely felt; almoſt a total ſtag-"nation in trade and commerce, the Revenue decreaſing in the "moſt alarming manner, all private credit deſtroyed:" the neighbourhood of Edinburgh will witneſs that: look at Paiſley, look at Glaſgow, and their Banks, even which will all convince you that there is truth in this aſſertion; "no one dare truſt "his neighbour, bankruptcies innumerable, the induſtrious "poor thrown out of employment." Do we not ſee that even in Edinburgh, the poor are ready and willing to work if they could get it? Are they not the ſame at Paiſley? are they not the ſame at Glaſgow? I have already inſtanced to you in England; Norwich, Sheffield, and Mancheſter, where the poor are out of number; but here is an addition, "proviſions, and even "hay, ſent out of the kingdom, to ſupply the German armies," not to ſupply our own troops, but forſooth, we muſt take other troops into pay, while our poor are ſtarving at home in conſequence of it, "which keeps up the price of meat to a height "never remembered at this ſeaſon of the year; coals, candles, "ſoap, ſugar, and many other articles in common uſe, are raiſ-"ed or kept up, in conſequence of the war."

Here is an article to which I would turn your attention, the article of coals, the City of London yearly, conſumes about forty-thouſand chaldron of coals; every chaldron of coals pays one ſhilling, to whom? To a man who did not think proper, when cited by the laws of his Country, to appear before you; and pays it to him, why? Becauſe he is the deſcendant of a natural ſon of Charles II. If he had been a poor man, and it had been neceſſary to keep up an appearance of reſpectability in his ſtation; there would have been ſome excuſe; but he has another ſinecure which amounts to more than he ſpends; this is one of the abuſes of a corrupt Parliament.—Our money ſhipped off to pay the troops, and ſupply the beggarly German Princes on the Continent. The parochial taxes prodigiouſly increaſed, by the numerous poor thrown out of employment, or borne down

down by the heavy load of taxes Mr. Pitt has thrown upon them; and threatened, notwithstanding all that is said to the contrary, with the ruin of another American war. In such a state, is it possible to expect that the public can bear to double the present National Debt and Taxes, without bursting Mr. Pitt's bubble, formed for plundering the poor to add to the rich. This man speaks very plain English, and I am sorry to say, he speaks as truly, as he does plainly; it has been a decided plan with those in power, to plunder the poor to give to the rich; and will continue so, while useless places, while useless pensions, are suffered to exist, while a Lord Justice General of Scotland, who never attends his place, though justice is the most sacred duty a man can acquit himself of; the duty of a Judge is the most sacred duty that a man can undertake, since it is the representive of God himself: that he should accept of 2000l. a year and never attend in his place, to distribute that justice for which he is so amply paid; that is another proof of sinecure places, and a proof that we want a Reform in Parliament; you have now been a hundred years, except one instance, without the appearance of a Lord Justice General; 200,000l. therefore has been carried out of Scotland and spent in England; therefore you annually lose 2000l, for which you derive no advantage whatever. "The crisis draws near, when every inferior consideration must "give way for public good, and Mr. Fox's open and manly abi- "lities must be called forth, to form an honest, just, permanent, "and upright Ministry, to save the King and People from one "common ruin."

I did not read this to you, Gentlemen, with a view to trumpet up Mr. Fox: no man can have a greater respect for his abilities than I have, but I am far from thinking that no man in the kingdom can save us but him; I would not make any man a God; let us not trust them; let us not give them implicit faith; let us trust to none of our rulers; let us trust only to our Laws; and while we give implicit faith to them, and see that our rulers act according to those laws, we shall be happy: the moment we do otherwise, we shall be slaves. "Apostates have raised false "alarms of treason, sedition, rebellion, and every thing that "can rouse up a generous People, to revenge the insults and in- "juries heaped upon them; but the People are loyal, love their "King, respect mild laws, and bear an utter hatred to all who "attempt to impose upon them, by apostacy, fraud, or treach- "ery, and are sworn enemies to all sorts of persecutions." Would not you think that the writer of this letter had some of the persecutions which have lately taken place, in his eye? You will see then, Gentlemen, that it is not merely in Scotland alone —that the People in Scotland are not the only People who see their true interests; that the People of England, likewise, begin to discern that they are imposed upon, that those who are in office deceive them: open your eyes, therefore, Gentlemen, and

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be not deceived; let not the words of office, let not the high sounding language of a Crown Lawyer trepan you into a perjury, for if you suffer yourselves to be deceived, though not a wilful perjury, it still remains a perjury, unless you give a verdict according to the dictates of your own conscience; and the dictates of that conscience cannot take place, till you have made a fair and candid examination of the matter before you.

His postcript says, "Two hundred and seventy Million is a "sum the human mind can hardly form an idea of: to give "some assistance in forming a notion of it, were it to be laid "down in guineas in a line, it would extend 4300 miles: if in "shillings, it would extend three and a half times round the "globe; and if paid in solid silver, would require more than "60,000 horses to draw it, at the rate of 1,500 weight to a "horse;" and yet the good people of this country are, by their labours, to pay off the interest of this debt, and are with the assistance of Pitt's calculations, to pay off the capital also. The number of inhabitants of Great Britain has been mistated, as well as many other things, by the public prosecutor; he has stated them to be ten millions; they perhaps, do not go much beyond seven millions; but we will say eight millions, and among them you cannot say there are more than two million of men: and, therefore two million of people are to pay the interest of this debt, which, if laid out in guineas, in a line, would extend upwards of 4,300 miles. Good God! when shall we get to end of such a journey; and yet we are daily encreasing in it by a war; and, what is the consequence of that war? not only expences abroad, but it encreases salaries and pensions; we bought Toulon with gold; we left it for nothing: it is true, we adopted again the French measures; we named Commissioners: one Commissioner set out, with a service of plate, to do honour to the name of an Englishman, which cost 8,000l. and yet there are 8000 Spitalfields weavers in a state of actual starvation; and yet, to one man, is presented a service of plate, of that immense value, previous to his going as Commissioner to Toulon: he comes back again, and is now out of office, but has retired upon half-pay: this is the way the public money is squandered; this is the way the public money will be squandered till we obtain a Reform in Parliament; therefore, no man, not the public prosecutor himself, can love the Constitution better than I do; but no man can detest the abuses that are engrafted on that constitution more than I do; for, I have seen so much misery, in the course of my tours through Great Britain, which is the garden of Europe, where there is not a man, who would exert his industry, but might earn a comfortable livelihood, if our Constitution was returned to that point at which it was settled at the Revolution; but it is all done away; I will give you proof that it is done away; and I have taken care to give you that proof, or, at least, that each of you may be furnished with a copy of it, when

you retire to debate upon the matter that is brought before you: it is in a ſpeech of Mr. Wharton's, in the Houſe of Commons: I will read it to you; and I am ſorry, that the public proſecutor has retired; I would have attacked him perſonally; he was a Member of the Senate; and, I believe, he was there at the time he bore, he ſuffered this worthy man, an honeſt Member in the preſent Britiſh Houſe of Commons; he ſuffered him to aſſert, that every part of our Conſtitution was done away; he did not riſe to contradict him; though here vociferous to the utmoſt, there he was ſilent; I am ſeditious in ſeeking a Reform; but, when a man tells them, every iota of the Conſtitution is done away, the whole he could do, was to vote ſilently againſt him; and the motion was loſt, becauſe the majority did not think proper to ſtake their future fortune, reputation, or property, upon the reviſal of the Conſtitution. May a friend be permitted to read it for me?

Lord Juſtice Clerk. No, you mun read it yourſelf.

Mr. Margarot. Gentlemen, you are entruſted now by your country, to give a verdict, to examine ſeriouſly the cauſe that is now before you. I have already told you, I am a willing and a devoted victim; I will give you a proof of it; and you ſhall have that proof home with you, in a letter, that I wrote to Dundas, a twelvemonth ago, when proſecutions were hanging over the heads of the people: I offered myſelf for proſecution; I deſired him to ſpare them, and let his vengeance fall upon me: I eſcaped it in London; I hope I ſhall not find it in Scotland; I hope the honeſty of any Jury will prevent its having the effect it was meant to have. This is the ſpeech of Mr. Wharton, in the Houſe of Commons. Mr. Wharton roſe to make his propoſed motion. "We heard," he ſaid, "on every ſide, of the glorious Revo-"lution, in 1668, and of the Conſtitution, as ſettled at the glo-"rious Revolution; it was a note which he had always liſtened "to with pleaſure, and he repeated it himſelf with rapture. But, "what was the rational foundation of our ſatisfaction, at the "recollection of the glorious Revolution? It aſſuredly was not "that the poſſeſſion of the throne, and the regular hereditary "ſucceſſion to it, were, at that time diſturbed and interrupted. "It was not that we expelled *one* king, and *one* family, and "appointed *another* king, and *another* family, in their room. "The neceſſity of ſuch changes was, at all times, to be *deplored;* "and, the events, themſelves, could only be juſtified by the *ne-"ceſſity*. The only rational foundation of our approbation of "that Revolution, *muſt* be, at that time, ſuch principles were "confirmed, and ſuch wiſe and wholeſome proviſions made for "our conſtitutional ſecurity and happineſs, as might prevent all "future neceſſity for a *ſimilar* Revolution. Whoever approved "of that Revolution, declared, at the ſame time, that the con-"ſtitutional proviſions then obtained, were wiſe and wholeſome "proviſions; that they were *worthy* objects of a national ſtrug-

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" gle; that they not only *justified* resistance, but made it *meritorious*." And yet, this is one of the articles of crimination against me. Gentlemen, it is said that the Convention meant to assert their rights: now, assertion may be made in various ways; it may be made, *vi et armis*; it may be made by argument; by reason; and, there is no direct proof, that we meant to assert them by force of arms; and, from our paucity, it is most likely we should do it by argument. He says, " they not only " justified resistance, but made it meritorious; and that they " were *cheaply* purchased, at the price of all the blood that was " shed upon the occasion, as well as the dethronement of a *guilty* " king, and the extirpation of his *guiltless* family. But an ap- " probation of that Revolution went still farther. It declared, " that if, by *any* means, by force, or by fraud, by violence, or " by corruption." Jurymen, I request your utmost attention to this; it is of the greatest consequence. " But an approbation " of that Revolution (1688), went still farther. It declared, " that if, by *any* means, by force, or by fraud, by violence, or " by corruption, if these wholesome and necessary constitutional " provisions should, by any means, be taken away, or frustrated, " the same objects would again justify the same national strug- " gle; and, the same extremities, unless they could be recov- " ered, and, re-obtained by more gentle, more peaceful, and, " therefore, more happy means." We at present feel, that force or fraud, violence and corruption, have taken away many of our privileges: we wish to regain them; not by force, but by those more peaceful, and, therefore, more happy means, which is a peaceable and rational application to the King, or to the Parliament, by an assertion of our rights, made in such a respectable manner, that they shall not be refused; for, it is idle to talk of the omnipotence of Parliament; the servant can never be greater than its master; the three Estates together, are not equal in value to the whole nation: without them, the nation could be a nation; but, without the nation they would become poor individuals. He asserted (and said he risked nothing by the assertion, " for no man could be hardy enough to deny it, and, he pledged " himself to *prove* it in a Committee of the House), that all that " was valuable to the people of this country, all the provisions " which were stipulated to secure the peace and prosperity, the " individual liberty, and the general property of the people of " this land, had, all been, since the Revolution, taken away— " All!"

He asserts, in the House of Commons, and pledges himself to prove, that all the security of the subject, all the privileges of the subject, in the Constitution, which is trumpeted up by venal hirelings, has been taken away, and he pledges himself to prove all this; and, to this, not a single man rises to give an answer. " He must entreat the attention of the House, for a few mo- " ments, whilst he very briefly brought back to their recollec- " tion,

" tion, what this country eſtabliſhed by the Revolution. Firſt, " To avoid all future miſtakes; and, that the contract between " Prince and People might be clearly underſtood, the Revolu- " tioniſts began by altering the oaths of the contracting parties." Here again I will interrupt myſelf, to ſhew you that the King holds his Crown, not by a divine right, but by a contract between him and the people, which implies a mutual binding; and, ſhould either of the contracting parties fail, it will become void: Men in buſineſs, you muſt know it; and, from buſineſs to politics, is a very eaſy tranſition; the principle is the ſame. " They " altered the Coronation oath for all future Sovereigns in this " realm; and they altered the oath of allegiance for themſelves, " and for all future ſubjects. They cut up, by the roots, the " damnable doctrine of paſſive obedience and non-reſiſtance:" doctrines ſedulouſly endeavoured to be inculcated into you to-night; that non-reſiſtance and paſſive obedience, though couched in other words, were the duty of the ſubject. I ſay it is no ſuch thing; and here is an honeſt man declaring this in Parliament, and nobody deſiring to confute him. He ſays, " they cut up, by " the roots, the damnable doctrine of *paſſive obedience* and *non-* " *reſiſtance*, by *emphatically* ſpecifying and ordaining the follow- " ing words of their former oath, 1 William and Mary, ch. viii. " I declare, that it is not lawful, upon any pretence whatever, " to take up arms againſt the King, &c. &c. ſhould not, from " thenceforth, be required or enjoined." Therefore, you ſee, Gentlemen, that it is no longer required of the ſubject to take an oath; that he will not, in any circumſtance whatever, take up arms againſt the King; becauſe, as this King comes to the throne, not by divine right, but by a contract between the King and the people, it was thought, if he neglected his contract on the one part, the people were not bound by that contract on the other; and, he hereby eſtabliſhes the doctrine of reſiſtance to oppreſſion: in fact, ſelf-preſervation is the firſt law of nature with an individual; and, what is the caſe with an individual is much more ſo with a ſociety. " It was not ſo much to relieve " the conſcience of the ſubjects, that theſe words of their for- " mer oath were ſelected, recited, and aboliſhed; for no oath of " ſlavery ever did, or ever will, or ever ought to bind a nation, " or an individual; it was ſomething worſe than perjury, or " ſacrilege, to keep an oath of ſlavery." Here is the true ſpirit of freedom, breathing in theſe words: it was ſomething worſe than perjury, or ſacrilege, to keep an oath of ſlavery. No; man was not born to ſlavery. " This alteration was made to prevent " the future Sovereigns of this country from being miſled, as " the four preceding Sovereigns had been, to truſt to a fooliſh " ſuperſtition about *Royalty*; which though many perſons for " their intereſts have profeſſed, no man of common ſenſe ever " entertained." Many of theſe doctrines are profeſſed at this day: man profeſs doctrines very different from what their hearts feel;

feel; but while blinding the eyes of the Public, they are the moſt conſcientious men living. " Their next care was to pro-
" vide for the due adminiſtration of the Executive Power, and
" the reſponſibility of its confidential adviſers. They therefore
" enacted, 12th William III. chap. ii. that all matters and
" things relating to the well-governing of this kingdom which
" are cognizable in the Privy Council, by the Laws and Cuſtoms
" of this Realm, *ſhall be tranſacted there*, and all Reſolutions
" taken thereupon *ſhall be ſigned* by ſuch of the Privy Council as
" ſhall adviſe and conſent to the ſame." Here you ſee, Gentlemen, that the government of a large country, like Great Britain, is of ſo public a nature as not to admit of ſecrets; it is of ſuch a nature that a reſponſibility muſt be affixed ſomewhere, and therefore thoſe perſons who adopted meaſures in the Privy Council were to ſign the ſame, in order that the public might know where the blame or the praiſe lay; this has been done away, and you have heard to-night, when a queſtion was put relative to orders, thoſe orders were deemed proper to be kept a ſecret; thus we imitate the practices of thoſe in higher ſtations, and inferiors will naturally catch at the defects ſooner than at the beauties of their maſters' behaviour. " Thereby
" guarding, as far as Laws could guard, againſt that accurſed
" engine of deſpotiſm, *a Cabinet Council*," which the paper I juſt now read, calls a Secret Junto, " or that more accurſed in-
" ſtrument, an Interior Cabinet," from which we have not been free for 25 years.

" Their attention was next directed to the *double* repreſenta-
" tion of the People, the only poſſible ſecurity for all their
" other proviſions." There is undoubtedly no proviſion, no ſecurity, for the liberty, for the property of the Subject, if he is not properly repreſented in Parliament: we are too numerous to make Laws for ourſelves; we muſt therefore be repreſented; we muſt ſend Delegates or Commiſſioners to a Parliament, where a convenient number of them may meet and tranſact the buſineſs of the Nation; if that buſineſs is not done faithfully; if the men ſent to do that buſineſs are liable to be bought and ſold, we ſhall in our turns pay both Purchaſer and Purchaſed —" The Houſe of Commons and Juries." This is the double repreſentation in England; we were the only Nation who enjoyed it.

A neighbouring Nation, though much run down, have lately arrived at the poſſeſſion of it. Juries conſiſt of twelve or fifteen men, according to the country in which they act. They are not to ſtand in fear of the Judge, or in fear of the King; for, if they act according to their conſcience, no Judge dare ſay any thing to an honeſt Jury; they have a double duty; the firſt to God, and the next to their country; but they both of them form a moral duty, and are one and the ſame thing! Juries are abſolute; they have a right to aſk queſtions, they have a

right, where the leaſt doubt hangs over the mind, to enquire of the Pannel; they have a right to enquire of the Counſel, and they have a right to call forth all the wiſdom of the Judges; while in office they poſſeſs the moſt unlimited power that we know of in England. He ſays, "Our Anceſtors paſſed over un-
" touched, and left them as they found them the Nobility and
" the Church; they were conſidering the ſolid and ſubſtantial
" parts of the Conſtitutional Edifice, and did not much concern
" themſelves about the *gilding* and the *varniſh*. They there-
" fore proceeded to eſtabliſh the principle of a *fair* and *free* and
" *frequent* election of the Repreſentatives of the Commons in Par-
" liament, as might be ſeen by a reference to the acts paſſed in the
" firſt and ſecond and third years of William and Mary." You ſee here, a term which at firſt appears to be a kind of ſneer or joke, but it is founded in truth, and leads you to a much deeper reflection. He ſays, "Our Anceſtors did not much concern
" themſelves about the Gilding and the Varniſh," meaning the Nobility and the Church; and it is not merely a jeer or a playing upon words, but ariſes from the principle already laid down, that the Nation, and the Nation alone, is the principal part: it is the People that are of conſequence, and nothing but the People, "And having thus, as they imagined, provided for the
" *real* election of the Repreſentative body in Parliament, they
" ſecured the independence and integrity of that body after
" its election, by enacting, that no Perſon who has an office or
" place of profit under the King, or receives a penſion from the
" Crown, ſhall be capable of ſerving as a Member of the Houſe of
" Commons." Now, if this took place with regard to the National Aſſembly, where Laws are only made; undoubtedly a ſimilar reſtriction was underſtood to be in full force in that Aſſembly, where the Laws are carried into execution, I mean in Juries; for if men enjoying places of profit under the Crown are deemed incapable of making Laws, they ſhould by a much ſtronger reaſon be deemed incapable of carrying them into execution, eſpecially when there is no appeal from their Verdict; or at leaſt, an appeal attended with ſuch difficulties and ſuch expence, as to put it out of the power of nine tenths of thoſe who are tried to make uſe of the remedy. "Having thus ſecured the
" purity and independence of the people's repreſentatives in
" Parliament, they proceeded to the other important branch of
" their repreſentation by Jury, and they decreed that Juries
" ſhould be fairly taken without partiality, and ſhould act free-
" ly without influence." Obſerve that, Gentlemen: I don't impute it to the caſe of to-day, but when I ſay it is poſſible to pack a Jury, I can ſhew my authority, when it has been aſſerted in the Houſe of Commons, and has not been denied. "They alſo
" decreed, that *exceſſive bail* ſhould not be required, that *exceſ-*
" *ſive fines* ſhould not be impoſed, and that *illegal* and *cruel*
" puniſhments ſhould not be inflicted; and to ſecure theſe ob-
" jects,

" jects, they ordained that thenceforward the Judges commiſ-
" ſions ſhould be made *quamdiu ſe bene geſſerint*; and that their
" ſalaries ſhould be aſcertained and eſtabliſhed, in order to make
" the Judges independent of the Crown." The duty of a Judge is, not to influence you, not to ſay any thing that has the leaſt tendency to influence you; he is to explain the Law in any difficult point to you, but by no means to give you his opinion upon the caſe; he is merely to ſtate the Law, and ſay always, hypothetically, if the man is guilty of the offence, ſuch and ſuch puniſhment is due to it; but he is never to ſay, let me beg of you to ſay ſo and ſo; it is illegal, it is the higheſt pitch of wickedneſs in a Judge ſo to do. " Now, all theſe proviſions (the objects and
" conſequences of the glorious Revolution) would have no va-
" lue, they would be nugatory and worthleſs; they would be a
" mockery unleſs they were effectually to obtain and ſecure to
" the People of this Land theſe three important points. *Firſt*,
" An honeſt and *reſponſible* exerciſe of the *Executive* Authority.
" *Secondly*, *Real* independent and faithful Repreſentatives of the
" Commons in Parliament. *Thirdly*, A fair and impartial admi-
" niſtration of Juſtice in the Courts of Law. We who had
" no predilection for *any* family whatever (except as connected
" with theſe objects) in the words of our Anceſtors at the time
" of the Revolution, did now again *claim*, *demand*, and *inſiſt*, upon
" all thoſe as our undoubted *Rights*, the *true*, *ancient*, and *indubi-*
" *table* rights and liberties of this kingdom, 1ſt William and
" Mary, chap ii. If then by various means it had happened, as
" he aſſerted, and undertook to prove (in a Committee of this
" Houſe,) that this proviſional reſponſibility of the Privy Council
" no longer remains; that the election of the Houſe of Com-
" mons is neither, *fair*, nor *free*, nor *frequent*; that this proviſion-
" al independence of its Members is gone, and that the Houſe,
" at preſent, *ſwarms* with Perſons having offices and places of
" profit under the King, and receiving penſions from the Crown;
" that Juries are not fairly and impartially taken; that they do
" not act freely and without influence; that exceſſive bail may
" be, and has been, required; that exceſſive fines may be, and
" have been, impoſed; that illegal and cruel puniſhments, may
" be, and have been, inflicted; that the Judges are not indepen-
" dent of the Crown; that penſions may, and have been, con-
" ferred, upon others, by which means it cannot be ſaid that
" their ſalaries are aſcertained and eſtabliſhed. If theſe facts
" were ſo, he held it to be the duty of all thoſe who, without
" hypocriſy, praiſed the Revolution."—

Moſt men, perhaps all men, praiſe the Revolution, but they do it with various intentions; but he ſpeaks here only of thoſe who praiſe it without hypocriſy. He ſays, " he held it to be the
" duty of all thoſe who, without hypocriſy, praiſed the Revolu-
" tion, to endeavour to return us again to our conſtitutional
" ſituation at that period, and to recover thoſe loſt or neglected
" proviſions,

" provisions, that so we might effectually secure to ourselves and " to our posterity, what our Ancestors endeavoured at the Re- " volution to secure to themselves and to us." I hope that single passage will be sufficient to do away all the criminality of the word *assert*, in the Indictment. It may be done in two ways, by force, or by argument; in either case, it would be justified by the present glorious Constitution, taken not ironically; not insidiously, as it is taken by some, but literally, according to the truth. Our glorious constitution permits us to assert our rights, and even permits us to resist oppression: however, from the tenor of the proceedings of the Convention, you will see that arms were the last things we should have thought of; being little inured to arms, and being a small number to the bulk of the nation, I mean the associated men, who have sent their Delegates to the British Convention; and from what has happened to-day, you will see that the public mind is panting for Reform; and I hope, Gentlemen, if your countenances deceive me not, that you all, or the greater part of you, wish for Reform: an amendment can be attended with no ill consequences. Mr. Wharton concluded with moving, " That a Committee be appointed to " enquire whether any, and which of the provisions made by " Parliament in the reign of William and Mary, and in the " reign of William III. for securing the responsible exercise of " the Executive authority; for securing a real, independent, " and faithful representation of the Commons in Parliament; " and for securing a fair and impartial administration of justice " in the Courts of Law, whether any, and which, of these have " by any means been invalidated or taken away; and to consi- " der whether any, and which, of those lost or invalidated pro- " visions may be fit to be re-enacted and restored, in order that " the people of this land may recover that situation and security " in which they were placed by the glorious Revolution in " 1688." This motion, I have already told you, was lost, and it was lost by a majority of 71 silent men, against 11 honest men who supported it; but the 71 did not utter a single syllable, though I firmly believe the Lord Advocate was in the House at the time: if he was not there, his master, his father, his uncle were there, and not a word was said; they put it to the silent vote, and numbers carried it, which shews you what chance we have of obtaining, by an humble submissive petition to the House of Commons, any redress; it shews you, that if we want to obtain redress, we had much better go to the fountain of redress, and apply, in the first instance, to the King; but that is a thing that is matter of opinion; however, it requires consideration; and when the matter of reform comes to be more public, which I hope it will, it will then bear ample discussion.

Gentlemen, I have, I believe, in the former part of my defence, mentioned to you, that the Lord Advocate not being able to substantiate his charges against me upon written evidence, was

was forced to draw in a more powerful aid; namely, a blank, as a proof of criminality; he has laid great ſtreſs upon it; he has turned about in it like a horſe in a mill, and though he went back from it once or twice in the courſe of his ſpeech, he was ſure to return to it again. He has likewiſe ſought to attach a great degree of criminality to the words Convention of Emergency, which is a ſimple Engliſh word, ſignifies a caſe of great moment, a caſe that requires ſpeed, that requires immediate attention, that requires all the exertions we can poſſibly beſtow upon it; therefore ſtrip it of the epithets, ſeditious, malicious, felonious, and all theſe high ſounding words, and you find nothing in it unjuſtifiable whatever. He has alſo ſought to criminate me, with charging that my friend Browne gave a hiſtory of the Habeas Corpus Act; and he has wiſhed to attach, more than ſedition, a kind of treaſon, to the bare mention in the Convention of the wrongous impriſonment Act; ſurely, if ſuch an Act exiſts, it is competent to every ſubject of the realm to ſee that it is ſecured to them; that it was (as I preſume all Acts are) made for the benefit of the Public, and therefore it is natural that men ſhould be anxious that thoſe benefits ſhould be retained to them; yet it ſhould ſeem that the bare mention of ſuch a thing is Treaſon in Scotland. It galls thoſe in power, to think that they have got a power above them; that they are not entirely above control; but I have already ſaid that there is not a man in the kingdom above control; even the King holds his Crown by a contract, and therefore is not above control; he is not above the Laws; he is not, indeed, reſponſible; the fiction of law ſays, he can do no wrong, becauſe his contract holds no longer than he abides by the Conſtitution of the kingdom; the moment he would attempt, as a James, or a Charles I. to break the contract between him and the People, the moment he had broken that contract, he would then no longer be unaccountable to the People. On the contrary, it is moſt likely, the People would call him to an account, as they have done in other caſes before, when they have ventured to ride paramount over the Laws. The Laws are made for the weal of the Nation, and are of more importance than any individual, in whatever rank ſociety may have placed him; they are of more importance than any individual, for without Laws there is no Society; and without any individual whatever, the Society may ſtill remain a Society.

Gentlemen, I will come now to the mere points of the Indictment; for the ſpeech of the Public Proſecutor has wandered greatly from the mere facts ſtated in the Indictment: however, I was obliged to follow him, inaſmuch as he did me the honour on Monday laſt, of trying me before another Jury; for it was me more than Skirving that he tried; it was me he had continually in his mouth; and, to me, that a great part of his ſpeech then applied. He taxes us with holding deluſive Republican

principles, and he builds his crimination upon our having adopted certain words, which he seems to think were never in use in England, before the Revolution took place in France; he is however much mistaken, for there is not a schollboy but can tell him that *section* was as much in vogue, and made use of, in England 20 years back, as it is now; there is not a Writ for the return of a Member of Parliament, but has the word Citizen in it; the word Citizen is in all the Students cards; and even the Pinmakers of London, are obliged to have the word Citizen in their cards; therefore it is not an adoption of any thing new: as to regulations and orders, if they are founded upon French principles, for God's sake, give me French principles; and that we were regularly and orderly, I will take the liberty to prove to you. By the regulations that I will read to you, you will see that we were far from having any seditious or disorderly principles about us, but that we were organizing ourselves into the most regular body in the world, and, I believe, even Freemasons themselves, who have regulations and secrets, and, I believe, some of their committees are pretty secret; meet together, and therefore are guilty of all the crimes I am charged with; and I don't know that there is so much regularity even in their proceedings, as there was in our's. "The Convention shall henceforth be "called, The British Convention of the Delegates of the Peo- "ple, associated to obtain Universal Suffrage and Annual Par- "liaments. The Delegates of this Convention shall be elected "annually, on the of "and shall meet where the Secretary and intermediate commit- "tee shall think most advisable for the general interest." You see it is for the good of the generality; not for the good of one description of men; not for the good of the opposition, who are endeavouring to oust the Ministry in hopes of getting into their places. No, let us oust the abuses, and restore the Constitution to the state in which it was in 1688. "The Secretary, and In- "termediate Committee, may, at any time, call a Convention of "the Delegates, on 14 days notice; but they shall be responsible "for a proper exercise of their authority. The Convention after "electing a President by show of hands." Here we call him a President; that is not a French word; I fancy that is a word that has been used in England for these 50 years back, and I cannot attach any degree of criminality to it, because we did not put it in the power of a man, to say he was sent by a certain number of people, unless he was intrusted with the confidence of those men, for the purpose of a Parliamentary Reform, as I will shew you by the instructions that I brought from London, which I have in my pocket, and which escaped the Inquisition. "The "Convention, after electing a President by show of hands, shall "proceed to the verification of powers, and then to the division "of the Convention into Sections, in such manner as shall here- "after be provided." Here follows the head of Office Bearers.

The

The public prosecutor told you he could not tell what this Preses meant; this will explain it. "There shall be a President or "Preses, three Assistants, a Secretary, a Treasurer, and Door-"keepers. The three Assistants and the Secretary shall form a "Council, to be denominated the Council of the Table. The "office of the Preses is to maintain order, to take the sense of "the Convention on all questions to be determined therein, and "to declare on which side the question is carried, to call on the "Committees for reports, &c. and to sign all Public Acts." You see there is nothing seditious in the office of Preses; unfortunately that night there was no Public Act passed; I kept order, or endeavoured to do it, as well as I could. I took the sense of the Convention, and declared on which side the questions were carried: an explanation of that you will see by and bye, under a separate head. "The office of the Council of the table, is to "keep order in the *business* of the Convention, as particularly "specified under the head Council. The office of the Secretary "is to take charge of all writings and papers belonging to the "Convention; to issue summonses, write and dispatch letters, "&c. &c. according to the orders of the Convention, and the "request of any Committee, during the time of their sitting; "and shall have access, on all occasions, to every Committee "during its sitting." This was made a crime in Skirving, when you see it was the duty of his office, to attend as many committees as he could spare time for. "The office of Treasurer shall "be to receive and pay all monies subject to the regulations to "be at any time adopted by the Convention or Committee of "Finance. The office of Door-keepers, is to prevent the ad-"mission of any persons not Members, except by special leave of "the Council of the Table." This was to prevent improper company; I do not mean spies, for on the contrary, when they were known they were preferably admitted, though with the contempt they deserved, and which no class in Society can deserve more than themselves, unless it be the men who employ them. And now follows the head of Committees. "No Com-"mittee shall be composed of more than thirteen, or less than "three persons; and the number of each Committee shall be "decided by a show of hands in the Convention. All Committees "shall be chosen, unless otherwise ordered, at the time of their "appointment; and they shall be authorized to invite the assist-"ance of such Members of the Convention as they may think "beneficial to the business entrusted to their charge. All Com-"mittees shall be elected from the Leet of the Sections, unless "found necessary for some immediate purpose, in which case "they shall be appointed by the Convention, one by one, by a "show of hands; and they shall sit and report progress, day by "day, until their business is completed. The first meeting of "every Committee to be fixed by the Convention; every subse-"quent meeting according to their own adjournment." Now

comes

comes the head of Council of the Table. "There shall be three "Assistants, elected from a Leet given in by the Sections, one "to be renewed, and the senior to go out of office daily." Those who had the greatest number of votes were elected, and in consequence of that, the Convention was likely to be best served, for they neither bought their electors nor sold them when they had bought them. "The Secretary and Assistants shall form "the Council of the Table; they shall prepare a state of the bu-"siness, for each day shall arrange the order in which the dif-"ferent subjects shall be taken into consideration, which ar-"rangement shall be adhered to, unless the Convention should "alter the same by a vote; they shall permit a Member from "each Section to take copies of all motions, &c. to be submitted "to the consideration of the Sections, and shall assist all Mem-"bers who request their aid, in the wording of any motion they "may wish to lay upon the table." This brings me back again, to a motion that has been introduced against me as written evidence, and which Wardlaw was called to prove: he said, and it was not less to the disgrace of those who brought him forward, than to the Friends of the People, of whom he was a member, that he came in a state of inebriety: he said he had written out that motion; it is a motion drawn up not by me, but by the Council of the Table, and it is stated in the indictment. "To do this "your Committee suggests a resolution to the following effect, "but which I shall leave to be drawn up by the Council of the "Table." The spirit of the motion was that which the Committee, of which I was the Reporter, had to report, and which motion was to be drawn up by the Council of the Table. "The "Council shall have the power to interrupt any debate, for the "purpose of proposing to the Convention any other business "which they may think more urgent; but the President shall "take the sense of the Convention by a show of hands, "whether the debate shall be interrupted or not." Here you see this is the greater part of their duty, to judge of such motions as were laid before them; if they were nugatory they were to inform the person who brought them of it; if otherwise, they were to endorse them on the back, they were to hand the motion to the President, he was to read it to the Convention, and then the vote of the Convention was to determine whether the business was of sufficient consequence to depart from the order of the day. Then follows an article which gives great umbrage to those who are frightened at every thing that looks like French: It is the head of Sections: we had the name of divisions, and of classes; but, no name which was agreed to by every body at last; Section was agreed to by a great majority; and we thought no more of the French Convention at that time, than we did of our new ally the Grand Turk.

To explain to you then what is meant by Sections, and the cause of adopting that word, which was more from accident than

than any thing else, it goes on. "All the members of the Con-
"vention shall be divided by lot, into Sections of 15 persons
"each." And why divided into Sections of 15 persons each? It was not with a view to overturn the government; it was not with a view of being seditious, or riotous, or any thing of the like, but with a view of their meeting, as we had many country Delegates who had much leisure on their hands, for the purpose of giving them useful employments: in the morning they used to meet and discuss the news of the day, and little political topics, and thereby came better prepared in the evening; and in the course of one week we already found a great difference in their political information; they had already learned to connect their ideas, and form a more accurate judgment of the business they were about. They were also to pick out the men who were most proper for the nomination of President for the next night, or for the Committees. These were the felonious and seditious employments of the Sections in the morning. "The Members
"who may not be able to attend at the first division into Sec-
"tions, shall be divided by lot among the Sections formed;
"but, if any Section shall have two more than its proper num-
"ber, no new Member shall draw for that Section until the num-
"bers are again equal. Every Section shall be furnished with a
"complete printed list of the Convention, containing the name,
"surname, and the society, which each individual represents."
And you see, Gentlemen, here is great regularity; and where men use such regularity, they cannot be called a riotous tumultuous assembly. "The Sections shall be renewed on every Mon-
"day during the sitting of Convention." Now, I maintain, that there is no principle in our British Constitution, which prevents mutual communication from one man to another, but will encourage that intercourse; for union alone can make us strong, as has been said, though in a different sense, from the Bench.
"The Sections shall meet every forenoon, at eleven o'clock,
"each in a separate place; and shall daily choose a Chairman
"for the Section, who shall report their lects of election, &c.;
"and, if these reports are not delivered in to the Council of the
"Table, immediately on the Chair being taken, they shall be
"deemed null; each Section shall daily furnish itself with a
"note of all the business, and with copies of all motions and re-
"ports to be taken into consideration that evening. The Sec-
"tions shall daily discuss the business of the Convention; they
"shall prepare lists of such persons as they may think most pro-
"per for Offices, Committees, &c.; but the Sections cannot fi-
"nally decide any matter; nor, in their collective capacity,
"give an opinion, or make a proposal to the Convention. No
"Member in the Sections shall be allowed to vote by proxy."
We did not, you see, intrench on the privileges of the House of Lords, where they vote by proxy; and we thought, that as every man was equally interested in the business, that he should attend

attend as often as he could; and, if he did not, it should be his own loss, by losing his vote. "The members of one Section "shall not be received into any other Section, during its sitting; "and, no person not a member of the Convention, can, on any "consideration, be admitted." And, I am sure, there is not a man here, who would wish to be intruded upon by strangers, in the social hour, over the bottle, but the servant comes up with his name, before he is admitted. (Here Mr. Margarot drank a glass of wine). I beg pardon, Gentlemen, for this interruption; I should not have done it, if the example had not been set me; we have no such thing in England, Gentlemen, as a Jury eating and drinking in Court.

Gentlemen, The next head, is that of motions. A great degree of criminality has been attached to the motions that have been produced; but, notwithstanding all this written evidence, which is to transport us, and prove us nearly guilty of high treason, I will shew you the innocent manner in which these things were to be carried on. "All motions shall be in writing, signed "by the Mover and Seconder, and transmitted to the Council of "the Table, who shall number and file them, according to the "order in which they are given in. At the close of each day's "business, and before the adjournment of the Convention, the "Secretary, or one of the Council, shall read all motions given "in, during that sitting, according to the priority of delivery, "in order that they may be copied, and taken into consideration "by the several Sections; and, being so read, they shall come "on for debate the following sitting, in the same order of ar-"rangement, made by the Council, unless the Convention shall "think proper to prefer any one of them, as containing matter "of greater importance, or more urgent necessity. A motion "once rejected, cannot be brought forward again in the same "Session of the Convention, unless requested in writing by 20 "members." This was thought proper to be introduced, in order to save us trouble, as there were some men who could speak better than they could write; and who, perhaps, might wish to be busy; for we already began to suspect that we had got spies among us, and that motions of a dangerous tendency might be brought in; and, therefore, we endeavoured to prevent being led into a trap; for, we found that, in general, it is the most honest men that become the dupes of knaves. "In "case of two or more motions being on the table, which relate "to the same object, and tend to the same end, the Council, "and the respective movers, shall use their best endeavours to "consolidate them all into one before they are discussed: but, "in case the Council and the respective movers cannot agree in "such measure, then the same shall be finally determined by "the Convention. Notwithstanding the above regulations, "any Member may submit a motion, at any time, to the consi-"deration of the Convention, which he deems to be of greater

"importance

" importance, or more urgent neceſſity than any of thoſe which " ſtand in the order of the day; and, if from the reaſons ad- " vanced by ſuch Member, a majority of the Convention ſhall " coincide, in opinion, with him, ſuch motion ſhall be immedi- " ately brought forward, and determined."

Now, here is that which was drawn up with more care than any other part. We know debates often lead to warmth; and, that when diſputants wax warm, they generally grow tumultu- ous and irregular. We have ſeen theſe tumults, and this rio- tous manner of debating, even in the Houſe of Commons: we ſought to avoid it; and therefore, we ordered, that " no perſon " ſhall ſpeak in the ordinary ſittings of the Convention, more " than once on the ſame ſubject, unleſs it be to explain, or by " ſpecial leave of the Convention; but when all who wiſh to " ſpeak to the queſtion have done ſo, any Member may be " heard again; and, every Member who opens a debate, ſhall " have the privilege of being heard, the laſt, in reply, before " the diſcuſſion be finally cloſed. If it ſhall appear to the mo- " ver, or ſeconder of any motion, or to any other member, that " the matter contained therein requires the moſt ample diſcuſ- " ſion, on motion, for that purpoſe, made and agreed to, the " Preſes ſhall leave the Chair, for the purpoſe of the Conven- " tion reſolving itſelf into a General Committee, in which, a " Chairman being firſt appointed, every Member ſhall be at li- " berty to ſpeak as often as the Committee may think proper to " hear him, till the queſtion ſhall be called for by an apparent " majority. As ſoon as the queſtion ſhall be called for, and " the diſcuſſion cloſed, the Preſident ſhall reſume his ſeat, and " the queſtion ſhall be determined in Convention. The Coun- " cil ſhall require the Preſident or Chairman; or either of theſe " may, of his own accord, put a vote for cloſing the debate. " When it appears to any of them to be the general wiſh of the " Convention, or general Committee, there ſhall, however, be a " vote taken; and two to one for cloſing the diſcuſſion, before " it actually takes place." Here we ſought, not only to avoid the heat of debate, but we ſought to avoid partiality, and we ſought to avoid any prejudice that any man might have againſt another, or in favour of another. " The queſtion of cloſing " the debate may, itſelf, be debated; but, it muſt be ſtrictly at- " tended to, that no Member, under pretence of giving reaſons " for or againſt cloſing the debate, ſhall go into the diſcuſſion of " the main queſtion."

The next head is, that of Order; a term not borrowed from France, but from the Houſe of Commons of England; for, in the Houſe of Commons, the order of the day is a common phraſe. " The Convention ſhall meet daily, at five o'clock in the after- " noon, and ſhall proceed, *Firſt*, To receive and verify the pow- " ers of any new members. *Secondly*, To receive, without " reading, the Liſts of Candidates from the Sections, *Thirdly*,

" To

" To read communications addreſſed to the convention. *Fourth-*
" *ly*, To elect, from the liſts of candidates, the Committees, if
" any have been ordered, the new Aſſiſtant, and the Preſes.
" *Fifthly*, To hear from the Council, what is the whole buſineſs
" ſtanding for diſcuſſion; and what is that particularly ap-
" pointed for the day, with the order of priority, propoſed by
" the Council; which priority may there be debated, and fixed.
" *Sixthly*, To read over the minutes of the preceding day, and
" any former days, not finally ſettled, and direct corrections of
" the ſame, if need be. *Seventhly*, To receive reports from the
different committees.

" In going through the buſineſs of the day, the order of pri-
" ority, fixed as above, ſhall be adhered to, unleſs altered by a
" vote of the Convention, which muſt, at any time, be put, if
" deſired by the Council; or, if required in writing, by any
" five members. Any point, once diſcuſſed and determined,
" can neither be reſcinded nor brought forward again on the
" ſame day; nor at all, but by a motion regularly made; and,
" for the bringing in of which, leave ſhall have been obtained
" the preceding day. The Reporter of any Committee ſhall
" always have a preference to the ordinary buſineſs of the day,
" to deliver his report to the Convention, ſo as not to break in
" upon any debate which may be before it. Members ſhall
" ſpeak in the order in which they riſe for that purpoſe; and,
" if more than one riſe at the ſame time, the Preſes ſhall decide
" who is entitled to priority.

" The preſident alone ſhall have the power of interrupting
" any ſpeaker who wanders from the queſtion; but any indivi-
" dual ſhall have the right to ſuggeſt his opinion, by writing
" the word *order*, and handing it to him.

" No member is to be allowed to ſpeak to any ſubject after a
" ſhow of hands has taken place on it."

You will ſee by this, that we were not only far from ſeditiouſly inclined, but we did not give our tongues a looſe: we were obliged to ſpeak in order, and methodically take our turns, and ſay nothing further than what we were entitled to. You will from that gather, that a ſociety ſo well regulated, could not be for the purpoſe of overturning the Conſtitution, which, in its original ſtate, is regularity itſelf: we were proceeding in a way that directly led to a reform: theſe are the heads; and there remained five more to be finiſhed, when we were apprehended by general warrants, and the meeting diſperſed by the power of the Sheriff, and of the Lord Provoſt; therefore, if we are not in order, it is not our fault, but the fault of thoſe who interrupted us; yet, you will ſee, that we were not altogether ſo illiterate as ſome men, and men of ſhining, perhaps more ſhining than ſolid, abilities have thought proper to repreſent us. We knew what we were about; and all this was done openly: we have had fifty viſitors of a night: any perſon ſending in his

name

name to the Council of the Table, was his admiſſion ticket; and, as I obſerved to you, we ſought nothing but the public good: we ſought a Parliamentary Reform; we ſeek it ſtill; and, I truſt, we ſhall to the end of our lives; and a renovation, not a deſtruction, but a renovation of our Conſtitution. Gentlemen, I will now come to the plain facts ſtated in the indictment, and then, I will make a few remarks upon the evidence that has been given; and, Gentlemen, I am ſorry to detain you ſo long; but, it is my duty to be as explicit as poſſible, in this matter, as well as yours to liſten to it: was it my own individual buſineſs, I would meet your verdict this inſtant; but I have already told you, that I conſider myſelf as the leaſt concerned in this matter; it is the cauſe of Reform.

The indictment, Gentlemen, accuſes me of having been made a Delegate by an Aſſociation of ſeditious people, calling themſelves the Correſponding Society of London.

Now, Gentlemen, either the charge is true or falſe; if it is falſe, it is malicious; if it is true, then I am the ſeditious perſon I am repreſented. The London Correſponding Society is not a ſeditious ſociety; it is a ſociety eſtabliſhed upon as regular and as ſyſtematical a plan as that of the Convention. We are proceeding to increaſe, to diffuſe political knowledge, to make every man acquainted with his political rights: we are formed into diviſions, becauſe, we well know, that large companies introduce diſorder and confuſion; therefore, we never ſuffer, except when general meetings take place: we never ſuffer above a certain number to aſſemble together: we aſſemble in private houſes: neither eat nor drink; but calmly and coolly diſcuſs the political ſubjects before us: we inſtruct the ignorant, and receive inſtruction from thoſe that know more than we do; and, therefore, the charge that this is an aſſociation of ſeditious people, is a falſehood; and, the Public Proſecutor backed it with another falſehood, on the night he did me the honour to try me, inſtead of Mr. Skirving: he aſſerted, that this ſeditious ſociety had held a meeting for the purpoſe of chooſing Delegates; and, that they were ſo deteſted by the mob, that the magiſtrates were obliged to protect them. I was not at liberty to anſwer him that night; nor ſhould I do it now, eſpecially in his abſence, but that impreſſions unfavourable may have gone forth. It is ſaid, that the magiſtrates, an odd doctrine for a crown lawyer to advance, were obliged to take under their protection the ſeditious London Society, in electing Delegates to ſend to Edinburgh. If the Correſponding Society was ſeditious, why did not the magiſtrates quell us? they were preſent; and they came with a deſign to diſperſe us; but the laws are paid a greater regard to in the metropolis than they are at ſome diſtance from it; and, when they found we were acting upon conſtitutional principles, they dared not moleſt us: there were 500 conſtables; and, out of theſe 500, I will, to be ſure, ſay, there were, at leaſt, 300

out of them, who maintained the same principles that we did, that a reform was necessary; that it might be imprudent if the magistrates had acted otherwise than they did. If any illegal open act of violence had taken place, it must have been occasioned by them; but they did not commit any act of violence: on the contrary, we placed ourselves under the care of the high constable, and his posse; and they attended; but, as in the testimony of the Lord Provost, if any riot was occasioned that day, it was from the magistrates, and their attendants, for our Society, being so numerous, were obliged to meet in an open field; or, at least, a field enclosed with palings: it was in the neighbourhood of Spitalfields; and the people in the neighbourhood, led by curiosity, and not kept at home by work, being out of employ, and might as well dine upon the fresh air as the stagnate air of Spitalfields itself, they attended our meeting to the amount of thousands, and behaved as orderly as those men you saw to-day come up the streets; they behaved with the utmost decency; and the Police Magistrates, from the Police Office, with their police runners, attended, but did not dare to molest us more than that we invited them to attend our meeting, inasmuch as it was constitutional; knowing that they should displease certain persons in power, who shall be nameless, they declined accepting the invitation of attending; but, after I was nominated, I returned them thanks for the polite attention they had paid us: they asked us whether we were to choose Members of Parliament; I replied, No; that our object, at Edinburgh, was to communicate with our brethren here, who were like ourselves, pursuing a Reform in Parliament; that would be our business in Edinburgh. I told them, if they had any commands, I would execute them: they politely bid me a good day, and drew off their Constables; and found themselves to be very happy in being protected by us: it is true, Sir, the High Constable came to me, and begged of me, as a means of dispersing the mob, that I would desire the Members of our Society to disperse quietly, forasmuch as there might be some riot, some tumult. I told him, if that was the case, we would to a man turn out and assist the civil officer: that as Reform was our aim, so was order; and, that we would, on every occasion, protect the civil officer; and, at the same time, that we assisted him in his duty, we would take care that he did it. And, Gentlemen, my behaviour has been perfectly regular; I have been always ready to come forward, and face my country, against any charges, except, at the first instance, when I was assailed by six blackguards, or messengers; or, whatever they were, I told them, Take my word, that when ever they required my presence, I would be forthcoming: the same was the case in this Court; yet, I did not hesitate to appear; I never will fly from justice; I will always abide by it; besides, Gentlemen, if the London Society was seditious, but it is not, it is sanctioned by a letter, a copy shall be given to each of you,

you, to peruſe at your leiſure: you will ſee, that it was a Society founded upon our conſtitutional principles; that none of the Miniſters dared offend us: it is true, laſt year, ſeveral aſſociations were formed all over the kingdom; and, it is they who ſounded the tocſin; and, where did they originate? they originated in about eleven placemen; the Preſident, the Chairman of that Society, poſſeſſes only five places; he was a clerk, or underſtrapper, of Lord Hawkeſbury, his name is Reeves: at the ſame time, to prove to you the further conſtitutionality of our proceedings, we did, in the month of April, hold an aſſembly, at the Crown and Anchor, in the room above this very man, who was for protecting property againſt republicans and levellers: this very man, obliged to bite his nails, in the room underneath, dared not ſhew his teeth; but he can write; and he is aſſiſted; I will not ſay by the treaſury, but he has pecuniary aſſiſtance, and has laid the public under contributions; and, here I apply to an obſervation of the Public Proſecutor, that we drew money from the deluded, the poor, and the weak. Would to God, no man drew more from the poor, the deluded, and the weak! If no man enjoyed more ſinecure places than we do, every family would have bread; which is not now the caſe; while thoſe who draw money from the poor, the weak, the deluded, and, I may add, the oppreſſed, are revelling in riot and luxury, and all manner of profligacy: while they ſell themſelves, while they ſell others, and their crimes, they cut a figure; but let them remember, that every guinea that they poſſeſs, conſiſts of a certain number of drops of the blood of the poor. He ſays, being named a Delegate by an aſſociation of ſeditious people, calling themſelves the Correſponding Society of London, did repair to Edinburgh, with the wicked and felonious purpoſe of joining and co-operating with an illegal aſſociation of evil diſpoſed and ſeditious perſons, who originally deſigned themſelves the General Convention of the Friends of the People. Now, it ſeems, that the original Friends of the People, were an illegal aſſociation; were an aſſociation of evil diſpoſed and ſeditious perſons. In the indictment, it ſays ſo; but, in the pleading of the Proſecutor for the Crown, he ſays otherwiſe; he ſays, that they were harmleſs, that they were allowed; and, indeed, the behaviour of the Magiſtrates toward them, ſeems to prove the legality of their inſtitution: he goes on, and charges us with holding various illegal and ſeditious meetings: how came they to be illegal? If the Friends of the People were in the firſt inſtance legal, how came they to be illegal and ſeditious? or where are the proofs that he brings of it? He likewiſe ſays, they met under a pretence of procuring a reform.

Gentlemen, you are not to be caught by words: you are men of ſenſe, and ſenſe alone is to operate upon you; reaſon and ſound ſenſe: how is he to tell? how is he to prove? in what manner has he proved that theſe were only pretences?

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On the contrary, what I have already ſhewed you betrays a great ſyſtem of regularity and order; and order will never be introduced for the ſake of forwarding confuſion; and yet, he ſays, they were evidently of a dangerous and deſtructive tendency; though I ſtartle at the words, evidently of a dangerous and deſtructive tendency; yet, if you allow me to add a few words to that ſentence, I will ſhew they are ſtrictly true; for, if you apply theſe words to the abuſes which have crept into the Conſtitution, you will make Engliſh, you will make ſenſe, and you will make truth of it. He ſays, we imitated, in the form and tenor of our proceedings, that Convention of people, the avowed enemies of this country: theſe people, the avowed enemies of this country, fight with guns, bayonets, and cannon: we do the ſame; and, yet I don't ſuppoſe that we are guilty of oppoſing, arm to arm: the Houſe of Commons, whom we are ſeeking to reform, and wiſh to new model, if poſſible, upon the plan of a more frequent renovation, uſes the ſame regulations that we do; but order can never be criminal. Gentlemen of the Jury, he ſays, likewiſe, that I did act as Preſes or Chairman of their meetings: this, likewiſe, he has failed to prove: he has proved that I acted once as Chairman; and, therefore, cannot be guilty of acting as Chairman at their meetings; at leaſt, he is inaccurate in his language; but, in England, ſuch an inaccuracy would be fatal to the indictment.

Although it has been ſaid that I was an Attorney by one; and, by another, that I know nothing of law, I hope to prove, that I know ſomething of the Conſtitution; and, that if I am no Attorney, I have as much honeſty as any Attorney, or any Gentleman of the gown. It goes on, that various inflammatory votes and reſolutions were paſſed. Of this, I truſt, the Public Proſecutor has failed to produce an evidence: there is no vote, no reſolution of an inflammatory nature, inaſmuch as to underſtand the word inflammatory; it means, not merely, that which will inflame itſelf, but that which will inflame others; now, the word introduced, as inflammatory, had no manner of connection with the Convention at large, and was ordered by it, to have been burnt: there, indeed he is right; it might have been inflammatory; when burning, it was inflammatory; but that inflammatory nature was no way ſeditious. Continuing then, in the ſwollen and deluſive language of the indictment, he ſtates, that the ſaid Maurice Margarot, did alſo, "when attending in his capacity of Delegate, at the illegal meetings of the ſaid Aſſociation, utter, and make various ſeditious and inflammatory ſpeeches, tending to vilify our preſent happy Conſtitution, and to withdraw therefrom, the confidence and attachment of our ſubjects." I have already proved, that the only end of our meeting, was to revert to our Conſtitution; but, it ſeems, that there is a terrible confuſion of ideas. He accuſes me with having

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ing, while attending my duty, as Delegate, in these meetings of the Convention, with having made several inflammatory speeches, tending to vilify our present happy Constitution; and, to withdraw, therefrom, the confidence and attachment of our subjects: That that is a wrong statement, will be evident, at first sight: by what you have already been told, you must have discovered, that men, seeking a Reform, cannot wish to do injury to that very Constitution which will procure to them that Reform; for, we are not so blind as not to see, that our original Constitution, if we revert to its original principles, does give us the Reform we want; but his way of proving the inflammatory speech is very curious. And, particularly, the said "Maurice Margarot did, at a meeting of said Convention, held on Tuesday, 19th November last, 1793, or on some other day of that month, in a Mason Lodge, or room in Blackfriars Wynd; in the city of Edinburgh, wickedly and feloniously make the following motion, or one of a similar import." This, you will recollect, is to be the vilifying of our present happy Constitution, and our withdrawing therefrom the attachment of our subjects. Now, you will see what that motion is, which he adduces in support of that proof: That, previous to publishing an Address to the Public, a Committee be forthwith appointed to consider the means, and draw up the outlines of a plan of general union and corporation between the two nations, in their constitutional pursuit of a thorough Parliamentary Reform. He brings you forth a motion, as written evidence; and, he tells you, this is done for the purpose of subverting our present happy Constitution, and withdrawing therefrom the attachment of our subjects; you certainly will not take it amiss, if I recal to your mind what I said before, that it was an attempt to impose upon your understandings; for there is not one of you fifteen that has a servant about your house, so imbecile, as to suppose that a plan of union would tend to vilify our present happy Constitution, and withdraw, therefrom, the confidence and attachment of our subjects: it might, very well, when helped forward with all the brilliancy of gesture, of language, of action, which he is possessed of; but, when you come to look into it, it is a direct falsehood: let us call things by their proper name; it is a direct falsehood; it does not support itself then further, that motion having passed unanimously; and, which motion, clearly demonstrated a wish and intention on the part of the said Maurice Margarot, of propagating the seditious tenets of that Association over the whole kingdom; and, of exciting our subjects in England, in contempt of legal authority, to adopt the same unconstitutional conduct with the said Maurice Margarot, and his associates, had presumed to follow. Gentlemen, I have been told, that in Scotland, I am as much a stranger as if I had come from Germany, from Italy, from America; and yet, a Court which cannot bring witnesses from England, can try me

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for what was charged to be done in England: in ſhort, it is a farrago of nonſenſe. Were I better acquainted with the Public Proſecutor, I ſhould have thought he meant to have ſet forth my poor ſervices in the Convention; and, therefore, brought me forward to explain the nature of it, the contempt of legal authority. Where has it been ſhewn? No where: on the contrary, we had the ſanction of legal authority; Pitt and Dundas both knew we were coming down: the Magiſtrates of Edinburgh knew we were aſſembling for that purpoſe; unleſs the contempt was, that we did not go and aſk them leave: perhaps, had we been ſtrolling players, we might; for, I am told, that a town-hall, not far from Edinburgh, was refuſed to the Friends of the People; and, the next night, permitted to a company of ſtrolling players: probably the ſtrolling players are the moſt beneficial members of ſociety. Gentlemen, you ſee what hardſhips I labour under, no being able to get at my exculpating witneſſes and papers, the witneſſes being above the laws of the country. The Lord Advocate, when he ſays it was in contempt of legal authority, utters a falſhood: not even your Lord Chief Juſtice Laing, who goes about knocking people down in the ſtreet, his legal authority had not ſhewn itſelf; and, therefore it was not in contempt of any legal authority whatever. We took our own room; burnt our own candles; and nobody had any thing to do with it but ourſelves: there was no contempt of any legal authority; and, therefore, that part muſt be expunged; as alſo, that which relates to England; over which, you ſay, you have no juriſdiction. Again, I find among my high crimes and miſdemeanors, the word *toccſin*; and, a learned Judge has ſaid, that we took it from the French: another perſon has ſaid, taking up, I ſuppoſe, what had dropped from the learned Judge, that it was a French word: unfortunately it happens to be borrowed even by them: it is a Chineſe word, ſignifying a ſhrill ſound; a bell that is rung when danger is near; and, you know, the greater part, or all the words of the Chineſe language, mean one and the ſame thing; and, therefore they are obliged to couple a number of them, in order to convey what they mean, eſpecially when it carries a complicate idea with it.

Again, a motion is deemed very ſeditious; for, having appointed a Committee for the particular purpoſe of watching every act which may militate againſt the rights of the people; it is firſt falſe, that ſuch a Committee has been appointed; but, if it had been appointed, we ſhould, in the French term, have deſerved well of our country, for our vigilance; for, let me call to your mind, in all the high offices of truſt, you find very few people willing to ſtep forward, and ſerve you for nothing; and that would have been the caſe, if we had appointed this Committee: we ſhould have been labouring for you, at our own expence; being your centinels, watching, that none of your rights might

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be encroached, while you ſlept; but it may be proper here to animadvert likewiſe upon the blank that was produced as criminal, and more criminal than the written evidence: it was ſaid, that the reſolution which ought to fill the blank, was of ſuch a nature, that it muſt not appear till the end of the Reſolutions. I will explain that to the ſatisfaction of the Jury; but, it muſt be by reading to them the whole diſcourſe. Here is a motion, ſuppoſed to be made by Mr. Callendar: That in caſe the Miniſter, or any other Member, bring into the Houſe of Commons, a motion for a Convention Bill, as paſſed in Ireland, for preventing the people from meeting, according to their juſt rights, by the Revolution, the ſame motion ſhall be noticed to the Delegates of the reſpective Societies immediately, to meet in Convention, to aſſert their rights; and, then they make me ſay, this is an excellent motion; and the event which it alludes to, ought to be the tocſin to the Friends of Liberty to aſſemble: it ſeems, however, to be imperfect; it does not mention any place of meeting; neither does it ſpecify the time when the Delegates are to aſſemble; for the word *immediately* is indefinite, and will not convey the ſame meaning to perſons reſiding in different parts of the country: by thoſe who live near to the place of meeting, it will be underſtood, that they are to repair there next day; by thoſe at a greater diſtance within a few days; and by thoſe ſtill farther off, within a week after ſuch information is received. Gentlemen, you will remember, I have read to you eight chapters, the produce of the Committee of Regulations; you will ſee what ſpirit actuated them, when they draw up thoſe regulations; and that there was nothing ſeditious in their tendency. Here, I am then made to ſay, that this motion comes properly under the chapter of regulations; I wiſh it were referred to that Committee; I therefore move, that the report be read, that the Convention may judge, whether the article I allude to, ſufficiently provides for the intention of the motion now before the Convention. Here you ſee, firſt, my aſſent to that motion of Mr. Callendar's: the one which the Committee of Regulations had drawn up, was in a different ſtyle, and would have come in extremely well at the end of the regulations; inſtead of which, the Convention ſpliced the one with the other; they adopted the motion of Mr. Callendar, and propoſed to bring it in as amended by Mr. Sinclair, and others; and, the next day, they propoſed to bring it in at the end of the proceedings; that the only myſtery that has given ſo much uneaſineſs to the Public Accuſer; while, at the ſame time, he might have done away a great deal, of your ſuſpenſe, and, likewiſe, have made himſelf much eaſier; for, I believe, he is in poſſeſſion of that motion, but did not think proper to produce it, becauſe it would not have anſwered his end of criminating me; however, I will invalidate it entirely, for the Public Accuſer is bound to bring forward the beſt evidence he can adduce: he has not

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brought that evidence forward: he has told you, that he has got it, but has not produced it; therefore, you are not to believe him on his word; and, I believe, that is not the only falsehood pointed out, that will engage you to disbelieve any thing he may assert. I will read a passage from the Gazetteer, which will shew, that other men have been the victims of his falsehood, as well as myself. Gazetteer, 7th January, signed by a man of great respectability, both as to truth and fortune; a man still more respectable by education, and by his virtue; he is a man possessed of 6000l. a year, and upwards; lays the chief part of that money out, not in luxury, or in profligate living, but in relieving the necessities of the poor; I mean Mr. Archibald Hamilton Rowan, who has been called one of the wretches of Ireland. "The "Lord Advocate of Scotland, Robert Dundas, having asserted, "on the trial of Thomas Muir, Esq. that an Address from the "United Irishmen of Dublin, to the Delegates, for Reform in "Scotland, to which my name was fixed as Secretary, was "penned by these infamous wretches, who, like himself, have "fled from the punishment that awaited him; and, an explana-"nation having been avoided, under the pretext of official duty, "I find it now necessary to declare, that such assertion of the "Lord Advocate is a falsehood.

"ARCHIBALD HAMILTON ROWAN.

"*Dominic-street, Dublin*, Dec. 17, 1793."

This is what they call in plain vulgar English, giving a man the lye; and when the name is affixed to it, this man is of an equally high character, and his intrinsic character makes him rank at least with the official character of the public prosecutor. I dare say he is not a man, who would fix his name to a falsehood; and if he had, his falsehood would have been contradicted; and it seems that here the public prosecutor is very full of spirit, and therefore would have resented this injury. He has silently acknowledged the truth of it, and the man who will tell a falsehood in one instance, will tell it in general; therefore be wary how you trust merely to his assertion, especially with an object like this in view, the extirpation of abuses upon which he and his relatives fatten; for his uncle reaps upwards of 20,000l. a year of the public money as Secretary of State. Were abuses to be rectified, these salaries would be diminished; were these abuses to be rectified, it is possible his conduct would be enquired into as most likely it will speedily. You see by this, Gentlemen, that where any thing tending to exculpate me could be adduced, he has kept it back; but he has not done it simply and fairly, but aggravated it; I have greater proof of this man's guilt, but I will not produce it; whereas, it is an extenuation of guilt. Here is another act of criminality in this motion; by the by, it seems very inconvenient in the practice of the law of Scotland, that one crime may affect many persons, if it is only by holding

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finger to finger, art and part as it is called here; and here, Gentlemen, it may be as well to revert to the opinion of the Solicitor General of King William upon that subject. Sir John Hawles says, "As Juries have ever been vested with such powers by law, "so to exclude them from, or dissseise them of the same, were "utterly to defeat the end of their institution; for then if a per- "son should be indicted for doing any common innocent act, if "it be but clothed and disguised in the indictment with the "name of treason:" So that you see, even in King William's time, there were frivolous persecutions as well as at present; I meant to call them prosecutions, I beg pardon; and that if the Jury did not step in between the crown lawyer and the subject, the subject having no redress, was incarcerated, fined, banished, or otherwise ill used, and all for things, which in themselves were perfectly innocent; but being clothed in tremendous language, appear heinous crimes, such as I was mentioning just now, and is reported here; "If any person should be indicted "for doing any common innocent act, if it be but clothed and "disguised in the indictment with the name of treason, or some "other high crime, and proved by witnesses to have been done "by him, the Jury, though satisfied in conscience that the fact "is not any such offence as it is called, yet because (according "to this fond opinion) they have no power to judge of law, and "the fact charged is fully proved, they shall at this rate be "bound to find him guilty."—Thus you will if you find me guilty, refer me to the mercy of the court—I shall not detain you much longer; you have attended me with singular patience, Gentlemen of the Jury, and I thank you for it—you are doing your country good. Distinguish then the true friends of your country from its foes. You have seen that the testimony of every witness adduced on the part of the Crown is one weaker than another; that it all turns upon the point of the meeting being Seditious; whereas, in verity, as the law term is, the meeting was founded upon the claim of rights—that it is the privilege of the subject to seek redress; and I must take the liberty of quoting to you something from De Foe, which will prove to you, that the people have a right—that the original power rests with them, and that they have a right to control that power, and keep on it a continual check; for as I said before, the servant is not greater than the master, and the King is but the chief servant of the nation. It is true we do not exercise our authority over him, or if we do, it is but once in two or three centuries; and I hope it will be centuries before we shall have occasion to exercise it again. But there are those who exercise the regal power in his name, and the sooner they are brought to condign punishment, the sooner it will prevent others from pursuing the same dastardly pursuits. This is a chapter of De Foe; he is treating of the original power of the collective body of the people of England.—"To the King, Sir, it is not the least of

" the extraordinaries of your Majesty's character, that as you " are King of your people, so you are the people's King. This " title, as it is the most glorious, so it is the most indisputable in " the world. God himself appointed, the prophet proclaimed, " but the people's assent was the finishing, the royal authority " of the first King of Israel. Your Majesty, among all the bless- " sings of your reign, has restored this as the best of all our en- " joymen's, the full liberty of our original right in its actings " and exercise."—

This was published in the year 1705, soon after the revolution. " Former reigns have invaded it, and the last thought it totally " suppressed; but as liberty revived under your Majesty's just " authority, this was the first flower she brought forth;" that is to say, the acting and exercise of our liberties and original rights, which are those which you have seen in Mr. Wharton's speech, of petitioning and obtaining redress; of keeping a constant check upon every servant of the Crown, in whatever situation he may be placed; and of obtaining a fair and equal representation.

He says in another place,—" I have observed, when interest " obliges any person or party to defend the cause they have es- " poused, they please themselves with fancying they conceal " their private designs, like a late Act of Parliament, which in " the preamble calls itself an Act for the relief of Creditors; " but which in its effect, was an act for the relief of Debtors." This is like men who cry up the Constitution, and live upon its defects. " Thus some Gentlemen place fine specious titles on " their books; as, *Jura Populi Anglicani;—A Vindication of the* " *Rights of the Commons of England, and a Vindication of the Rights* " *of the Lords;* and with large and high encomiums upon the " excellency of our Constitution, treat the levity of some people's " judgments with fine notions; whereas, the true end and design " is defending the interest and party they have espoused."

Gentlemen, call to mind whether it may not be the case with one of us two, the Pannel or the Public Prosecutor, whether we may not be trumpeting up or sounding the praise of the constitution, and at the same time have interested and private views: and as it has been said you cannot penetrate into the minds of men, you can only judge from the tenor of their conduct; hitherto he has acknowledged himself to be a placeman, though not a pensioner. Gentlemen, I take my God to witness, that were I to be offered one of the most profitable places under Government, my conscience would not permit me to accept the emoluments of it, when I know that it has been drawn from the blood and the sweat of the poor: that there has been more blood spilt within this last twelvemonth, for the purpose of gratifying Ministry, and keeping the public mind from reform, than would completely fill the largest ship now in the British navy, and I speak within compass. " The defence of the rights of the re- " presentative body of the people, understood by the name of

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" the Commons of England in Parliament, is a *great point*, and " so plain are their rights, that it is no extraordinary task to de- " fend them; but for any man to advance, that they are so au- " gust an assembly, that no objection ought to be made to their " actions, nor to reflect upon their conduct, though the fact be " true; and that it is not to be examined, whether the thing " said be true, but what authority the person speaking has to " say, it is a doctrine wholly new."

You see, Gentlemen, it was a doctrine new a hundred years ago, in the time of De Foe, but it is a doctrine renewed now to serve these state prosecutions; it is highly seditious, and of a very evil tendency in the public at present to examine into the conduct of the House of Commons, and yet at that time it was constitutional; why, because we have brought in the present family, and that they had entered into a contract with the people; they would not suffer their servants to deviate from it at first; at present, through lapse of time that is grown obsolete, and their servants' servants tell you, you are not even to examine into it; praise the Constitution, and think yourselves happy, whether you are so or not. " It is doctrine wholly new, and " seems to me to be a badge of more slavery to our own repre- " sentatives, than ever the people of England owes them, or " than ever they themselves expected. This therefore, toge- " ther with some invasions of the people's rights, made public " by several modern authors;" You see the rights of the people were begun already, then to be invaded, " are the reasons why " I have adventured *(being wholly disinterested and unconcerned " either for persons or parties)* to make a short essay at declaring " the rights of the people of England, not representatively, " but collectively considered. And with due deference to the " representative body of the nation, I hope I may say *it can " be no diminution of their rights,*' to assert the rights of that " body from whom they derived the powers and privileges of " their House, and which are the very foundation of their be- " ing."

This refers to what I said to you just now, the servant cannot be higher than the master; if they derive their powers from us, we entertain powers superior to theirs; it is therefore our duty to see that they acquit themselves of the task reposed in them, and consequently all the meetings of the people for those purposes are constitutional, and not seditious and inflammatory, as sounded by the Public Accuser. " For if the original right of " the people be overthrown, the power of the Representative, " which is subsequent and subordinate, must die of itself, and " because I have to do rather with reason and the nature of the " thing, than with laws and precedents." I am happy to find that De Foe stood in the situation I now do. I have, Gentlemen, to do before you with reason and the nature of the thing: I have to deal with your reason: I like that much better than law

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or precedents; reason is an emanation of the divine Being; laws are but the formation of that emanation, and the farther the rays diverge from the centre, the weaker they grow.

Gentlemen, you will find that the plain doctrine that I am laying down, has been the language of all times and all ages, is the doctrine of truth itself; and that I am acting for the public advantage, and not for private or personal emolument; and because I have to do rather with reason and the nature of the thing, than with law and precedents. The Crown Lawyers can confuse and confound a man not bred to the law: They can confound a juryman with the dust from the old musty law books, and lull his reasoning to sleep with words conveying a very different meaning to what ought to be attached to them. "To "come directly to what I design in the following papers, it is "necessary to lay down some maxims other than what a late au-"thor has furnished us with; *salus populi suprema lex.*" This will not be controverted by any body, the welfare of the people is the first of all laws; and remember this, Gentlemen, "all "government, and consequently our whole Constitution, was "originally designed and is maintained for the support of the "people's property, who are the governed." It is for the support of the people, not for the support of the governor, "that "all the members of Government, whether Kings, Lords, or "Commons, if they invert the great design of their institution, "the public good, cease to be in the same public capacity." You see, De Foe absolutely suspends them from their function, the moment they cease to devote their talents to the public good. How many of our placemen and pensioners would be suspended, if that law was still put in execution! "And power retreats to "its original, that no collective or representative body of men "whatsoever, in matters of politics any more than religion, *are* "*or ever have been infallible.*" Here is the axe at the root of the omnipotence of Parliament, "That reason is the test and touch-"stone of laws, and that all law or power that is contradictory "to reason, is *ipso facto* void in itself, and ought not to be obey-"ed. Some other maxims less general, are the consequence of "these: as *First*, that such laws as are agreeable to reason and "justice, being once made, are binding both to King, Lords, "and Commons, either separately or conjunctively, till actually "repealed in due form." Thus much, I differ from many great men in the law at present; who say, that a bad law when once found to be a bad law, ought to be disobeyed in order to get it broken. On the contrary I am for obeying, and every good citizen is for obeying and paying respect to the laws, and to nothing but the laws; and while a law is in force, let it be never so bad, I will obey it; I will point out if I can the errors of the law, but I will obey it while it is in existence; from that confession of faith, you may easily suppose that another article of accusation will fall to the ground, which is that our Convention was

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to assemble and militate against the Parliament, in case of the introduction of a Convention Bill: We were to overawe in the language of the public Prosecutor; to overawe the Parliament; to check them in their proceedings: so we were: but how? as a body of men we could do nothing till we had a majority of the nation on our side. When once the majority of the Society is of one way of thinking, it is proper that the minority should yield to it, and that is the first law of Society; and as the general good is to be paramount to every thing, so the will of the few is to submit to the will of the many; and therefore, the object of our institution was first to diffuse political knowledge; and secondly, to gather the general will. If we found that general will, to be for a reform in Parliament, a Reform in Parliament we should obtain; if we are to be slaves, it is our duty then to sit down silent, and if not satisfied, we may as a noble Lord has said, take our pack on our back, and be trudging. My Lord, at another season I might not talk improfitably, but at the present late hour of the night, I think in my mind that I have said sufficiently to acquit myself of all the charges laid against me, if you will be kind enough to divest yourselves of any prejudice which public papers, public rumours, or public prejudices, may have inspired against me; to examine not merely the man; I am myself, a willing and a devoted victim to my country.

I know if I am left to the mercy of the court, how that mercy will display itself; but if it can profit the cause that I should be a victim, I am willing it should be so: I have faced death before now: I am not afraid of it now, you see every seam not agitated. I am as cool as yourselves; I have studied this affair well: I undertook it not sanctioned by a Pitt, a Richmond, or a Dundas: I adopted it upon reason and justice, and I will quit it only with life. Gentlemen, you represent you country: your situation is awful; you are now to guard its liberties; you are now to encourage the plant of reform; a mild and peaceful reform, according to the temper of men's minds, now may be easily effected; but beware of persecution carried on with too much rigour. We know, and history shews us, that at a certain pitch of oppression the people will bear it no longer, and an uninformed multitude, is what every well-studied government, every well conducted government should fear to incense. It has been the policy of Europe, and it is a popish policy, and I am sorry to say, we now number two among our Allies who make much use of that policy; I mean those who encourage the inquisition and the bow string, the Pope and the Turk, who have both now ambassadors at our Court. It is their policy that the people should be ignorant; it has been the policy of the priesthood, it has been the policy of false politicians; but I hope the time is coming, when men will open their eyes to their true interest, and that season when riches are no longer to be poured upon one man without measure, while a thousand others are starving. It is

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neceſſary that there ſhould be a diſtinction of ranks, and it will take place, but let merit be the way to public offices; ſtudy that, and you will find yourſelves better ſerved, not as the preſent cuſtom is, the couſin of one Lord, and the ſon of another is to be the proprietor of a borough; theſe are things much wanted to be reformed.

Gentlemen, you have ſeen how ſlight the charges againſt me are; you have had intimation of what the mercy will be that I ſhall experience. A further intimation that orders have been iſſued, though the part from whence thoſe orders came, have not been developed to you; yet let me recur to your claim of rights; it is contrary to the laws of Scotland, that any Magiſtrate of Scotland ſhould act according to any order whatever, except it is according to the laws of Scotland, but not according to the orders of any ſtranger. You are in this caſe, without an appeal in Scotland. You are the repreſentatives of the people; they have entruſted you with their rights and privileges; you are to pronounce on me, whether I am guilty or not. I have appeared here to anſwer to my country. I hope I have done it to the ſatisfaction of my country, and I hope you will do it honor by your verdict; though the ſophiſtry of the public Proſecutor has appeared in all its defects, I hope that ſound ſenſe and reaſon are at work in your minds, and I hope there is not one among you fifteen, but what is poſſeſſed of an honeſt heart. Conſider; I tell you conſider not me—conſider your country. Conſider the cauſe, and conſider the futility of the charge that is brought againſt me. I aſſure you to have detained you ſo long, but it is a ſerious affair, and your verdict will not be confined within theſe walls; the eyes of Britain are now upon you fifteen men, whom I don't even know by name, and who perhaps never ſaw me before, nor I you; then examine me well, ſee if there is any thing ſeditious in my appearance or behaviour; ſee if there is any thing illegal in what I have done, though not verſed in the quirks of the law; and I am glad of it, for I believe the laws, and the perverſion of the laws by the practice, have made many an honeſt man a knave. You will ſee whether I am guilty of the charge laid againſt me, what proportion of guilt is attached to me; whether any part is proved home to me; whether any part is legal proof, and whether I was not ſerving my country; and I cannot heſitate a moment to think but that your verdict will do honour to your country, and juſtice to me.—Gentlemen, I take my leave of you.—

Give me leave now to call to your Lordſhips attention, your particular duty.——

Lord Juſtice Clerk. I will not receive any inſtructions from you, Sir.

Mr. Margarot. I ſhall take the liberty of checking your Lordſhips, if you do not go on properly.

Lord Juſtice Clerk. You have gone on for four hours, and I would

would not allow you to be interrupted; if you had not been a ſtranger, I would not have heard one third of what you have ſaid in four hours, which was all ſedition from beginning to end.

SUMMING UP.

Lord Juſtice Clerk.

Gentlemen of the Jury, I dare ſay every man in Court is fatigued, as I own I am; and after hearing it will not be neceſſary to detain you much longer; but I ſhall make a few general obſervations, which I apprehend may be of ſome uſe in forming a judgment upon this caſe. The crime here charged is the crime of Sedition; and although it is not founded upon any ſtatute law, it is a crime very well known in the common law of Scotland, and indeed is coeval with the very juſtice of ſociety. When mankind are in a ſtate of nature, every man is a law to himſelf; but as ſoon as ſociety is formed, every member of that ſociety lie under obligations to one another; to that ſociety of which they are members, to maintain the law and conſtitution of that ſociety; and every attempt to encroach upon the conſtitution of that ſociety, is a very heinous crime, and very ſeverely puniſhable. Gentlemen, it is a crime which affords different degrees of aggravation; according to the nature of it, it may be applied to private matters, and may be leſs criminal in that caſe, according to the circumſtances. But whenever Sedition has a tendency to overturn the eſtabliſhed Conſtitution of the kingdom, it becomes a crime of the moſt heinous nature, and of the moſt dangerous tendency, and it borders indeed upon the crime of high treaſon. Gentlemen, the libel here lays the crime charged in the major propoſition, as Sedition; and the public Proſecutor has ſtated a variety of facts and circumſtances, from which he infers the crime of Sedition, and the concluſion of the libel is, that all or a part thereof being proven, then he is to be puniſhed with the pains of law; which pains of law in this caſe, is an arbitrary puniſhment, and which the Court will make more or leſs, according as they think the circumſtances of the caſe deſerve it.

Gentlemen, although the Proſecutor has detailed a variety of facts and circumſtances, all of which I ſhall ſhortly ſtate to you, yet it is not neceſſary that every fact and circumſtance ſhould be proved, in order to obtain a verdict of guilty; becauſe, if you are of opinion that ſuch facts and circumſtances are proved, as are ſufficient to eſtabliſh againſt the Pannel an accuſation of the crime of Sedition, it founds you in a verdict of guilty. If upon examination of the whole circumſtances of the caſe, you ſhould be of opinion, that nothing is proved to eſtabliſh the crime of Sedition

Sedition againſt him, you will find him not guilty, or the libel not proven. And, Gentlemen, the firſt thing to be attended to is this, whether the Society who call themſelves the Britiſh Convention of Delegates, from what you ſee of them, can be reckoned a ſeditious ſociety or not ;—that is the firſt thing you will inveſtigate. And, Gentlemen, it is a very material circumſtance, which you will have under your obſervation in forming your judgment ; and it is this that that Society ſtands upon, the record of this Court not above ſix or ſeven days old, to be a ſeditious ſociety ; when a perſon, a ſecretary to that ſociety, acting in that capacity, and a member of that ſociety, was found guilty of the crime of ſedition, and has been by judgment of this Court condemned to tranſportation for fourteen years, that is a pretty ſtrong circumſtance to ſhew that this was not an innocent meeting. If it was a lawful meeting, I am afraid that poor man, Skirving, has ſuffered very unjuſtly. In the firſt place, there was a unanimous verdict of a moſt reſpectable Jury againſt him. And, in the ſecond place, the Court pronouncing judgment upon that verdict. And indeed, Gentlemen, independent of what was eſtabliſhed upon the trial of Skirving, I think you will be to conſider, whether upon taking a complex view of the proceedings of the ſociety, it has been eſtabliſhed this day by parole evidence, but chiefly by written evidence, which is not ſo capable of error as the other. I ſay, whether upon the whole of the evidence of what has been laid before you, that this was not an innocent meeting, but a meeting of a moſt ſeditious nature.

Gentlemen, they ſay that the meeting was for a lawful purpoſe, and that at the ſame time that they complain of the grievances that the ſubjects labour under, nothing more was meant than to obtain a reform in parliament. Gentlemen, that is the profeſſion of the meeting; but then they are obliged to ſay, that becauſe their attempting a reform in another mode was a much more criminal act if they did not prevail, but you will attend to the facts, and ſee how far what is proved in this caſe, is conſiſtent with the idea of a reform in parliament ; and when you ſee them holding out that the parliament is guilty of the groſſeſt irregularities, as having no regard to the laws or the good of the ſubject, and in ſhort, that we are at the brink of ruin. When that is the light in which they pretend to hold forth the parliament, it is impoſſible to believe but they muſt mean ſomething elſe than a reform in parliament ; they could not well expect to get a redreſs of their grievances from a parliament whom they have thought proper to ſtate in ſuch terms.——

Gentlemen, if a Society of ſo many people, dividing themſelves into Sections, Committees, coming from the Sections, motions made, and upon this a Committee of Secrecy appointed, and a Convention of Emergency eſtabliſhed, and the ſittings declared permanent, and all that—Was this neceſſary for a reform

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in parliament? I think there could be no occasion for all this secrecy; an application to parliament seems inconsistent with the idea of it. I am afraid it must satisfy you—you will consider the whole of it, whether the evidence does not shew you, that something else than a reform in parliament was intended. You see, that they have established a Convention of Emergency, in the case of a Convention Bill being brought into parliament, similar to that brought into the parliament of Ireland. Another was in the case of that meeting being dispersed; and the third was in the case of an invasion, or in case of the landing of foreign troops. Now supposing that they had nothing but fair and honest intentions in the case of a foreign invasion, they were to join the government to repel that foreign force, was there any thing there that was an object of secrecy? I think the more public their resolutions were, when of so virtuous a nature, calculated so much for the good of the public, the more public they were, so much the better: and it could not be an object of secrecy.

That therefore taking all these circumstances together, I am afraid that there is nothing but what is irreconcileable with innocence. But, Gentlemen, in order to constitute the crime of sedition, it is not necessary that the meeting should have had in view to overturn the constitution by mobs and by violence, to overturn the King and Parliament; for I apprehend, in some sense the crime of sedition consists in poisoning the minds of the lieges, which may naturally in the end have a tendency to promote violence against the state, and endeavouring to create a dissatisfaction in the country, which nobody can tell where it will end; it will end very naturally in overt rebellion; and if it has that tendency, though not in the view of the parties at the time, yet if they have been guilty of poisoning the minds of the lieges, I apprehend that will constitute the crime of sedition to all intents and purposes. Now, Gentlemen, take a view of the conduct of this meeting, and attend to the time when all this reform, all this noise and declamation is made against the constitution; it is at a time when we are at war with a great nation, a cruel ferocious nation, that requires all our strength, and not only our strength, but the strength of all our allies, to get the better of them; and the greatest unanimity is necessary. I submit to you, whether a man that wishes well to his country, would come forward and insist upon a reform, parliamentary or not parliamentary, at such a crisis; which would create discontent in the minds of the people, when every good subject would promote unanimity among the lieges, to meet the common enemy. I say, in place of that, to bring forward a great reform in parliament is a thing totally inconsistent with the constitution of this country. I say, bringing it forward at that period is a strong proof that they were not well wishers to the constitution, but enemies to it. I say that no good member of society would

have taken those measures. I appeal to you all, that you are living under a happy government, in peace and plenty, in perfect security of your lives and property, the happiest nation upon the face of the earth; and when that is the situation of this country, I appeal to you whether I have not given a fair and just description of it; for a set of men in that situation to raise a faction in the minds of the lower order of the people, and to create disaffection to the government, and consequently make a division in that country. I say, these things appear to be from the very conjuncture at which they are brought forward, sedition of a very high nature. Now, Gentlemen, you will take into consideration the whole proceedings of this meeting, and take a view of what stands upon the records of this Court, that that Convention is already determined to be a meeting of an illegal nature.

The next question is, whether you can pronounce this Gentleman at the bar innocent. I will lay it down as a principle of law, and not peculiar to this country; it is the principle of the civil law, and I believe the principle of every law in every well-governed state, that where a number of people are concerned in a crime, that each and all of them are guilty; part or part of acting in different parts in the commission of the crime, as some may have been more active than others, they are all of them in the eye of the law equally guilty, and liable to punishment; that is the law of Scotland, and I believe of every civilized country, and therefore if this is an unlawful society, the man that is president of that society, is liable for every thing done in that society; and is amenable to a court of justice, for the crimes there committed.

Now, Gentlemen, the question is, if this be a seditious Society whether you can pronounce Mr. Margarot innocent. In the first place, you see that the public Prosecutor has established that he was sent down to that very meeting from England, as Delegate; he comes down for no other errand under the sun. He leaves his business of a merchant in London, and attends this meeting in the character of a Delegate; that I apprehend is taking a strong part in the proceedings of this seditious illegal Society. You see him at all the meetings almost, and you see him the most active of all the meeting. He is chairman upon one occasion, and he is making speeches and harangues upon another: and you will attend to that motion by which the Convention of Emergency was established, by which a Committee of Secrecy was established. The Committee of Secrecy consists of four members, and the Pannel is named one of the four, that is in evidence before you; and if you take all these things together, he comes down to Scotland, leaves his business in London, and attending these meetings daily; you see him taking the active part, making motions, and making that very important motion for a Committee of Secrecy; and he was named one of the Com-

Committee. I leave it to you, Gentlemen, whether you can pronounce him innocent of the crime of Sedition. Gentlemen, I own at the ſame time that this Pannel ſhews a good deal of ingenuity, though I cannot applaud his diſcretion or judgment. The crime charged is Sedition: and I think he took up four hours in a defence, which was ſedition from beginning to the end; finding fault with the Conſtitution, and I think a ſpeech of a very ſeditious tendency, and I will not trouble you with any more of it. I have given you the general idea of the caſe; if you are of opinion nothing is proved againſt this Gentleman, find him not guilty; on the other hand, if you think the facts and circumſtances ſufficiently brought home againſt him, you will find him guilty.

Tueſday, January 14th, 1794.—Half paſt One o'clock.

The names of the Jury having been called over, they brought in the following.

VERDICT.

Edinburgh, Jan. 14th, 1794.

The above aſſize having encloſed, made choice of the ſaid Samuel Anderſon to be their Chancellor, and the ſaid John Balfour to be their clerk; and having conſidered the criminal libel raiſed and purſued at the inſtance of his Majeſty's Advocate for his Majeſty's intereſt, againſt Maurice Margarot, Pannel, the interlocutor of relevancy pronounced thereon by the Court, the evidence produced in proof of the libel, and the evidence adduced in exculpation of the Pannel, they all in one voice find the Pannel, Maurice Margarot, GUILTY of the crimes libeled; in witneſs whereof, their ſaid Chancellor and Clerk have ſubſcribed theſe preſents in their names, and by their appointment, place and date as above.

(Signed) SAMUEL ANDERSON, *Chan.*
JOHN BALFOUR, *Clerk.*

Lord Juſtice Clerk. Gentlemen, you have pronounced a very accurate verdict. This is a trial of great importance, and the country is obliged to you for the attention you have paid to the cauſe. If you have any thing to ſay, Mr. Margarot, now is the time.

Mr. Margarot. Undoubtedly I have, my Lord. I did not yeſterday ſtart objections on futile grounds. I objected to the competency of the Court; I object to it at preſent; I informed your

your Lordships, that I meant to bring an appeal against the whole procedure, in consequence of that incompetency. You thought proper, at that time, to repel my objection, but I now still sustain it: it is in consequence of the absence of the Lord Justice General of Scotland; I was charged to appear before him: he does not appear in his place; I did my duty, he neglected his; and the Court was not full; and it certainly was necessary that he should attend, otherwise the indictment would have run, the Lord Justice General, the Lord Justice Clerk *or* the other Lords; instead of which, it ran, *and* the other Lords of Justiciary: That implies the absolute necessity that he should be in his place; or otherwise, the Court was not even by the Public Prosecutor deemed complete. I likewise mean to bring an objection, full as forcible, which is that which I experienced in the course of my trial. I was not able, though I had performed all the necessary legal ceremonies, I was not able (because some men do not pay that respect to the laws which they ought to do) to adduce several of my exculpatory witnesses: your Lordships refused to grant me a caption; your Lordships refused to grant me delay; consequently, the most material evidences, that I could have brought in my own defence, were entirely denied me: but, my Lord, although that denial was in consequence of an assertion of this Court, that your Jurisdiction did not extend to England; yet, a part of my Indictment was founded on crimes said to be committed in England, and relative to the people of England. It is odd, that you should take cognizance, in this Court, of crimes relative to the people of England; when from England you cannot compel the attendance of a single witness in my favour.

There is, my Lord, an objection again, which is entirely local, which is confined to Edinburgh itself: I have summoned, three men, as exculpatory evidences; two of them were attending, the third was not attending; but no notice was taken of him. These men I wish to call into Court, to examine as exculpatory evidences for me. The Lord Justice Clerk insisted upon my telling the nature of the questions I intended to put; I gave him the outlines of them, upon which he thought proper to refuse the admission of those evidences.

Another charge relates to yourself: I had ordered the messenger to summon your Lordship upon certain facts, which went to prove, that it was very likely I had already, before my trial, been prejudged. Your Lordship was not summoned, in consequence of the fear of this man offending a person in power, but, at the beginning of the trial, your Lordship told me, and the Public Prosecutor, to his justice be it said, acknowledged that the legal point should be obviated, and that you should attend as an exculpatory evidence; but when it came to the point, you refused to be put upon your oath, and to answer the questions proposed to you. Those questions went to criminate yourself,

my

Lord; they remain unanſwered, by the advice of your brother Judges. The conſequence was, that my defence was neither ſo complete, my exculpatory evidence not ſo ſatisfactory, and I make no doubt but that it is owing to that that the Jury, of whom I ſhall take no notice at preſent; that is the buſineſs of their country, not of me; that the Jury have thought proper to find me guilty. There is another thing, ſhould theſe objections be repelled; I have another to bring forward, that will not ſo eaſily be got rid of. It ſeems to be the cuſtom of Scotland, that the witneſſes are confined to a chamber by themſelves, and no ſtranger admitted amongſt them; that was not the caſe yeſterday; a perſon, of the name of James Carliſle, was converſing with them a conſiderable time in the outer houſe. Theſe are great objections for ſtaying judgment. The two firſt objections go to cancel the whole proceedings, and the three laſt at leaſt to ſtaying of judgment. I have no more to ſay at preſent.

Lord Juſtice Clerk. You will not be allowed to ſpeak afterwards; and, therefore, if you have any thing more to ſay, you muſt ſpeak out.

Mr. Margarot. I have nothing more. It was ſaid yeſterday, I was not verſed in the Laws of Scotland: it is true, I am not; but I have ſome ſlight knowledge of the Britiſh Conſtitution, and I muſt obſerve here, that the proceedings of this Court have been a departure, *in toto*, from the Britiſh Conſtitution. I will ſay no more, I wait your ſentence.

Lord Henderland. My Lords, this Pannel has ſtated the very ſame objections that he ſtated yeſterday, except one, which ſtates that there were ſtrangers with the witneſſes in the other room; and, if it was ſo, the officer who had the charge of them may be culpable and puniſhable; becauſe it is contrary to the cuſtom of the Court: but, my Lords, to ſay that it ſhall annul a verdict, or ſtay judgment, does not appear to me to be at all the practice. It is impoſſible for the Court but to proceed upon the verdict, and I muſt give my opinion upon this head, that it is not a valid objection.

Lord Eſkgrove. My Lords, The Pannel now at the Bar had more indulgence than the Court ever gave a Pannel before, becauſe he was a ſtranger. My Lords, I cannot help taking notice of an inſinuation, on the part of the Pannel, to the Court by threats of impeachment, and threats of being brought upon our knees, or ſuffering the pains of death. I am happy the Pannel has not thought fit to renew that language to day; yet I would not ſit altogether upon this trial, without ſignifying my opinion, that if it had not been, that we held in contempt inſinuations of threats to us, that are illegal; ſo, on the other hand, we will ſubmit to every appeal that is competent, if there is any ſuperior authority, we will readily ſubmit to their deciſions. But, my Lords, it is not for this man, or any man, to think to terrify this Country into a ſubverſion of juſtice. Had he been

a native

a native of this country, he would not have been ſuffered to go on as he did. I approve of his conduct to-day, which is more temperate; but, for the ſake of others who might be here yeſterday, and ſome who may hear of it, I will ſay, that it is not the right of any priſoner to go out of his defence, and attack the Court, who are able to defend themſelves when the attack is made. I was of opinion, with my Brothers, upon the objections yeſterday, and therefore it is not to be ſuppoſed I ſhould not be of the ſame opinion to-day, unleſs ſomething new had been urged. The objection as to the Lord Juſtice General was fully anſwered yeſterday, and does not deſerve any notice; as to the queſtions put to your Lordſhip not being anſwered, it was not becauſe of your being a Judge in this Court, but becauſe of their being irrelevant to his defence. As to his objection of a ſtranger being admitted with the witneſſes, I am ſorry that any ſuch thing ſhould happen. He may have been ſent from either party, or he might have no connection with any party; but it is a ſtrange thing to ſuppoſe, that ſuch an accident ſhould make null and void all the proceedings of this Court againſt this Pannel; and I am the more ſurprized at that objection being made, on account of his being a native of England, where he muſt well know that it is the general practice that the witneſſes are not at all incloſed, but they are in Court during the time of the trial. Not but we allow that it is ſometimes ordered otherwiſe by the Court, and in this caſe it ſeems to have been by accident. It does not appear at all that he was tampering with the witneſſes; and therefore no blame lies upon the Court, and it is needleſs to ſeek any redreſs in the way in which it has this day been done from this Court.

Lord Swinton. My Lords, The only new objection is, that a perſon of the name of Carliſle was admitted among the witneſſes; if that was valid, the objection is now too late; it ought to have been made when they were brought to be examined. My Lord, every witneſs, in a moſt ſolemn manner, was ſworn and aſked upon oath, whether he was inſtructed or taught as to the evidence he was to give, and an anſwer was made by every witneſs upon oath, that he was not; and therefore, if there was any thing in the objection, it was done away by that; and therefore it is my opinion, that it ſhould be repelled.

Lord Dunſinnan. I am of the ſame opinion, and I don't think it neceſſary to enter any further into it.

Lord Abercrombie. I am of the ſame opinion.

Lord Juſtice Clerk. I am entirely of the ſame opinion, and I will tell the Pannel, that if the Court were to ſuſtain the objection, it would not avail him as an abſolutary from the crime with which he is charged; even if it would make null and void all the proceedings; becauſe he would be liable to be tried over again. He muſt be convinced that he has had a fair trial; he went on for four hours in his defence; he is a ſtranger in this country,

country, and not having counsel, we allowed him to go on in a manner in which we would not have permitted a native of Scotland; he went on for four hours in such a way as was contrary to the Constitution of the country, and your Lordships will now proceed in giving your opinion upon what shall be the result of this verdict.

Lord Henderland. My Lords, The Jury having discharged their duty to their country, by a patient hearing of this trial, after, I am persuaded, a full consideration of the evidence, it remains for the Court to consider what may be an adequate punishment of the crime he stands charged with. My Lords, the crime of which he has been found guilty is sedition, and it is detailed in the minor proposition, taking an active and distinguished part in the deliberations and proceedings of a society, whose meetings were held under pretence of procuring a Reform in Parliament, but which were of a dangerous and destructive tendency, with a determined intention to disturb the peace of the community, and to subvert the present Constitution of the Country. My Lords, it is a most dangerous crime, and most extensive indeed in its consequences.—It appears in evidence that this was a Convention, forming themselves into a Society, calling themselves Citizens, Sections, Committees. In short, assuming the form of a French Parliament, thereby shewing that they wished proceedings to take place here of a similar nature to those of France. My Lords, I fear not the sword of the enemy, or the poignard of the assassin, while sitting in my place, discharging the sacred office of a Judge. I shall give my opinion as it strikes my feelings; I shall give my sentiments, as they appear to me to be supported by Law. This charge is that of active Sedition; and the distinction between this charge, and that of leasing making, is an imperfect one; for it is to demonstration capable of being proved, that, before the union, there did exist Sedition, committed by words in false argument, by attacks upon the Constitution, and upon the legislative bodies of the Constitution. It can be demonstrated by the records of this Court, that there was a common law sedition, different from leasing making; and upon which this Court held itself competent to found a libel; to infer an arbitrary punishment. Therefore, in whatever point of view I take the charge against this man, (though I think it amounts to active Sedition), I have no doubt that this Court has power to punish it, by the highest arbitrary punishment.

My Lords, I doubt not that what I now say will be made public: I observe that it is falsely set forth, in one edition of a late trial, that I said, it wrung my heart to mention the crime of Sedition. I am in the judgment of your Lordships, and every man who heard me, I said no such thing—I said, it wrung my heart (and I own that it did) to see a Gentleman, a young Gentleman, who had received a Gentleman's education and who had discovered abilities not inconsiderable, should be the object of such punishment. My

My Lords, this Gentleman is a ſtranger, and ſorry I am that he ſhould have come into this country. I regret, as I muſt do, the conſequences it has had, and the conduct that he has aſſumed. It now becomes my duty, as a Judge, to ſay what ſort of puniſhment this crime deſerves; and, my Lords, I know no other way in which I could diſcharge my duty to God, to my country, and to my own conſcience, but by propoſing to your Lordſhips, that this man ſhould be baniſhed forth of this kingdom by tranſportation; or, in common language, ſhould be tranſported to ſuch part of his Majeſty's Dominions, as his Majeſty, in Council, ſhall pleaſe to appoint; and there to remain for the ſpace of 14 years, under pain and penalty of death, in caſe of return.—

Lord Eſkgrove. My Lords, the Pannel has been found, by the verdict of a Jury of his country, guilty of the facts charged againſt him. My Lords, we yeſterday gave our opinions upon the validity of the Indictment, all, in one voice, finding that Sedition was a high crime, by the laws of Scotland. Your Lordſhips were alſo of opinion, that the facts charged and alleged by the Public Proſecutor, in the minor propoſition, amounted to the crime of Sedition. I will not now repeat, what has been well obſerved by my Lord Henderland, who has gone before me, as to the grounds of that opinion. My Lords, as the caſe at preſent ſtands, I am ſorry this Gentleman ſhould have been guilty of ſuch a crime; but a Jury of his country have found that he is guilty of the charges in this Indictment; and therefore I in no way differ from your Lordſhip in thinking, that the Jury have diſcharged a duty to their country: but, if I had been of another opinion, my duty would have been one and the ſame, which is to pronounce the ſentence of the law upon the perſon found guilty, by his country, of the crime charged, and carrying it into execution, by a puniſhment ſuitable to the offence. It is unneceſſary to go through the circumſtances of this Indictment, upon all of which the Jury have returned a verdict, finding the Priſoner guilty. My Lords, it may amount to the finding him guilty of leading, as well as aſſiſting, a number of people, ſtyling themſelves a ſort of Parliament in this country, for the purpoſe, as I ſtated yeſterday, of ſubverting the Conſtitution of the country; and then there is a more ſpecific enumeration of facts; it ſets forth, that they were to ſet at defiance the authority of the legiſlature; that even if an act was moved for, diſagreeable to them, they were to meet in a ſecret Convention; they thought fit to be concealed, in order to deliberate upon what was to be done; they were, likewiſe to do the ſame, if there was an invaſion: and what invaſion is to be feared at this time, I leave to the judgment of every one who hears me. Alſo, in caſe of the landing of foreign troops, for the ſupport of the government of the country, that was to be the cauſe of the ſudden meeting of this Convention: Alſo, if the Habeas Corpus Act was repealed: And laſtly, if any interruption was

given

given to their meetings this Convention of Emergency was to ſit. What concluſion can be drawn from ſuch language; but that they meant to ſubvert the Conſtitution of the country; that it was meant to be carried on in a ſtyle of defiance and oppoſition to the legiſlative authority of this country? therefore, it is in vain for any perſon, pretending to know any thing of the Law of Scotland, to ſay this is merely leaſing making. I ſhall only ſay, that it would have been difficult, if it had not been for the alteration of the ſtatute law, to know whether it would not have amounted to the crime of high treaſon. My Lords, the Jury have found this man guilty: he is an Engliſhman. I am ſorry that any of that country ſhould ever have interfered in the peace and tranquility, either of their own country, or of this which is a part of the united Kingdoms; but I think we cannot pronounce a leſs ſentence, in this caſe, than in the former caſes; and if any difference is to be made, I do not think it is in favour of this Defendant, who, in his own country, might have lived peaceably and quietly. My Lords, there can be no ſort of doubt with regard to the powers of the Court: By the laws of this country, before the Act of 1708, Baniſhment from the realm of Scotland was one thing, and Baniſhment to a place beyond the ſeas was another; and theſe were as well known at that time as at this. But, my Lords, is it proper that a perſon from England being found guilty of attempts to ſubvert the Conſtitution; is it reaſonable that we ſhould return him to England, in order that he may continue his practices there, if ſo inclined? If we were not able to do more, we could not help it; but, I ſay, the power of baniſhment, by tranſportation, has been long recognized in Scotland, as well as in England. The Court can do no leſs, than make uſe of the power which the law gives them, to ſend him to a place where he can do no harm. My Lords, if I had any doubt about it, your judgment in the caſe of Mr. Muir, where I was not preſent, but where the other Judges uniformly gave their opinion, that this mode of baniſhment, by tranſportation, was the proper puniſhment for ſuch an offence; that would be ſufficient for me to concur in the ſame opinion. If that puniſhment was not too much for Skirving, the Secretary to this Convention, who appears to be a ſimple deluded man, it cannot be too much for this gentleman, who is, ſo far as I can judge, a man of abilities, of conſiderable knowledge, and one who took the lead in this Convention; and therefore, I concur in the puniſhment mentioned by your Lordſhip.

Lord Swinton. My Lords, I have no difficulty in concurring with your Lordſhips in the puniſhment you have ſuggeſted; and, after what has been ſaid by your Lordſhips, I ſhall only take notice of a very few things; My Lords, the crime of ſedition is worſe in one reſpect than moſt other crimes: many other crimes are committed from the ſudden impulſe of paſſion, or heat; but this crime is committed with a premeditated, felonious intention,

by deliberating upon the means of overturning our Conſtitution. They begin with ſeditious and inflammatory diſcourſes, endeavouring to draw ſimple, and perhaps well meaning, people after them, by pointing out imperfections which will be in every government whatever, and placing them in a ſtrong light; and, in the next place, by ſeditious writings. My Lords, in this caſe the delegates meet, and they appoint a Convention of Emergency; and what are theſe Conventions of Emergency? firſt of all, for the purpoſe of over-awing Parliament; and one of their reſolutions is, to pay no regard to ſuch an act of Parliament if it ſhould paſs: that is, they deſpiſe the legiſlative authority of the country. Then, in the caſe of an invaſion, and it is eaſy to ſee what ſort of an invaſion was meant. I decline going through all the other particulars of this libel, which is found to be a true libel in every point. My Lords, what have they pretended? They have pretended a reformation in the Conſtitution. I ſay, my Lords, there is no need for it; our Conſtitution reforms itſelf. With regard to trial by Jury, which is the palladium, in my memory three acts have been brought in for reforming this point: one lately, giving Juries a power to decide upon the whole matter, in caſe of libel; and we have no need of ſuch Reformers as theſe.

My Lords, if there is any difference between this caſe and that of others, the crime of this man is highly aggravated: he is not of this country; he does not feel any hardſhips from the government of this country; he comes from England, for ſeditious purpoſes, as ſtated in this Indictment; and therefore, if there is any diſtinction in this caſe, it is unfavourable to this Pannel. I am of opinion, with your Lordſhips, that tranſportation for fourteen years is the proper puniſhment.

Lord Dunſinnan. My Lords, after the moſt patient hearing of this caſe, by a Jury, they have come to that determination which ſenſible, honeſt men alone could come to: namely, finding this Pannel guilty. There is no doubt but he has been ſent into this country, in order to diſſeminate ſedition; and, it is evident, that he was very ſedulous in the execution of that office. The Jury, having found a verdict of guilty, it comes to the Court to conſider what puniſhment this crime deſerves; and, my Lords, though it is not pleaſant to paſs judgment upon a fellow ſubject, crimes, dangerous as theſe, cannot be overlooked. My Lords, I am of opinion that this man's guilt is aggravated beyond that of others, who have been in the ſame circumſtances; and that tranſportation for fourteen years is the proper puniſhment.

Lord Abercrombie. My Lords, it has been juſtly obſerved, that, during the courſe of the trial, the Pannel, now at the bar, met with an uncommon ſhare of indulgence: I believe far beyond what any Court of Juſtice, either in this or any other country, ever afforded a Pannel. My Lords, I don't feel, and never ſhall feel myſelf diſpoſed to ſay one word to load any man, who ſtands

in

in the unhappy ſituation that he does; but I am ſorry to obſerve, that from the moment he appeared at the bar, till the inſtant he was carried out, his whole conduct was of the moſt indecent kind. My Lords, the crime with which he ſtands charged, and of which he is found guilty, by the unanimous voice of his country, upon the moſt ſatisfactory evidence, is that of Sedition, and my Lords, his crime is highly aggravated by one circumſtance, which appeared in the courſe of the trial, that he has been ſtirring up Sedition in this country, and inſtigating ſuch unhappy men, as you ſaw here yeſterday; for example, one of the Members of the Britiſh Convention, who was ſo ignorant of the Conſtitution of his own country, that he was obliged to admit, that he never ſo much as read the Claim of Rights. My Lords, is it to ſuch men as theſe that we are to reſort, to get a redreſs of the grievances of this country?

My Lords, if we are to judge of the means he made uſe of from his ſpeeches in the minutes of the Convention, and the ſpeech which we heard laſt night, ſure I am, that his intention was, to ſtir up a ſpirit of diſaffection and diſcontent among the ignorant and the uninformed; and, my Lords, I conſider the circumſtance of this Pannel being a ſtranger to this country as an aggravation of his crime.

My Lords, this Society called themſelves originally the friends of the people; they afterwards changed their name, calling themſelves the Britiſh Convention of Delegates, aſſociated to obtain univerſal ſuffrage and annual Parliaments; a right which the ſubjects of this country never did enjoy: ſuch a right would tend to bring ruin and deſtruction upon this country. I ſay my Lords, that to this man, they owed that change, and that form which they aſſumed, and of which we have heard ſo much.

My Lords, I ſhall only add, that the puniſhment propoſed is the mildeſt, which, under all the circumſtances of the caſe, ought to be pronounced.

Lord Juſtice Clerk. My Lords, after the full diſcuſſion which this crime has undergone, within theſe three months, I ſhall only juſt obſerve, that the crime of which this Pannel is accuſed, and now ſtands convicted by the verdict of a moſt reſpectable Jury of this Country, is Sedition; endeavouring to overturn the eſtabliſhed government of this Country, which is, of all crimes known amongſt mankind, of the moſt heinous nature and the moſt dangerous tendency to Society, and well merits the higheſt arbitrary puniſhment that this Court can poſſibly inflict. You have had two trials before you, one within theſe few months, in which the Pannel was condemned to tranſportation for 14 years, and the other you condemned within theſe few days for the ſame term. The moment I heard the verdict I revolved in my own mind the circumſtances attending this caſe; but it is impoſſible that we can, agreeable to the juſtice of the Country, inflict a leſs puniſhment; the only doubt that occurred to me was, whether we

we ought not to go further; for I did see a material difference; this case being attended with circumstances highly aggravated and offensive to the Laws of this country.

If this Country suffers any grievances, I am sure he felt none of them: he lives not in Scotland, has no property there, and, as a stranger, he comes into this Country a man with a great deal of abilities and great elocution, he comes here for the express purpose of disseminating Sedition among the lower order of people, in this Country. I cannot consider it as any thing but Sedition highly aggravated. I did think that this crime deserved a more severe punishment; but I have always more pleasure in inflicting a mild punishment than a more severe one: and as your Lordships are all of opinion, that we should inflict the same punishment as in the case of Skirving and Muir, I concur in the same opinion, that he shall be transported for the term of 14 years, with the usual certification.

SENTENCE.

The Lord Justice Clerk and Lords Commissioners of Justiciary having considered the foregoing Verdict, whereby the Assize all in one voice find the Pannel GUILTY of the crimes libelled: The said Lords, in respect to the said Verdict, in Terms of an Act passed in the 25th year of his present Majesty, entitled, "An "Act for the more effectual Transportion of Felons, and other "Offenders, in that part of Great Britain, called Scotland," ordain and adjudge, that the said, Maurice Margarot be Transported beyond Seas, to such place as his Majesty, with the advice of his privy Counsel, shall declare and appoint; and that for the space of fourteen years from this date; with certification to him, if, after being so Transported, he shall return to, and be found at large within any part of Great Britain, during the said fourteen years, without some lawful cause, and be thereby lawfully convicted, he shall suffer death, as in cases of felony, without benefit of Clergy, by the law of England: And ordains the said Maurice Margarot to be carried back to the Tolbooth of Edinburgh, therein to be detained till he is delivered over, for being so transported; for which this shall be, to all concerned, a sufficient warrant. (Signed)

ROBERT M'QUEEN.

Mr. Margarot. My Lords, I thank you.

APPENDIX.

No. 1.

To the Rev. Mr. T.

Dear Sir,

YOU desire me to give you my opinion of the present state of want and distress among the weavers in Spitalfields, being Physician to the London Dispensary, where between two and 3000 of them annually apply for medical relief, I am called frequently to visit their wretched habitations, there the first thing that commonly presents itself to view, is an empty loom, and a starving family. Some have had only half their usual work, for more than twelvemonths past; and many no work at all, for the last six months. Some times I find one or two children sick, and the wretched Parents looking upon them with all the distress which parental affection, and the utmost degree of poverty, can impress on the mind. At other times, I find the husband and wife, and not unfrequently both sick in the same bed, and several helpless and half starved children looking up to them for bread. Here anxiety and poverty increase the disease if they did not produce it, which however is often the case. It is impossible for words to give a perfect idea of the distress which prevails amongst this useful class of the people. If any doubt the truth of this representation, all I can say is, come and see. Were they to accompany me in my daily visitations for a short time, they would be fully convinced, that this is a very imperfect outline of the general misery amongst this part of the labouring poor, who would gladly work, if they could be employed; and therefore the more deserving of help. I am persuaded, Sir, that you need only be acquainted with real distress, to interest yourself in the means of relieving it in the present instance. Both you, Sir, and those who second your laudable endeavours and benevolent purposes, will be doing a good work. I am,

Dear Sir,

Your sincere friend,

OLD BEDLAM,
Dec. 17, 1793.

JOHN WHITEHEAD.

No.

No. 2.

In one ſhort month (December 1792) an innovation was made on the ſcheme of Britiſh Society; and, in one eventful year, it has changed the character of the nation, from the happy condition of a people living together like one large family, under common laws; we were broke into ſets, and put under the inquiſition of Clubs. Jealouſy and Diſcord ſucceeded confidence and Union; the moſt honourable connections; the moſt ancient friendſhips; the ſocial and endearing intercourſes of neighbourhood; nay, the ties of kindred were rudely, wantonly torn aſunder; and the better to ſecure to us the calamities of a foreign war, we were involved in the more dreadful horrors of internal feud. In the ſhort ſpace that we can allot to this article, it is impoſſible for us to enter into the painful enumeration of the events of 1792. When the faithful hiſtorian comes to record them after paſſion and tremor have ſubſided, it will be found to be the moſt diſaſtrous to conſtitutional liberty, to ſcience, to morals, and to trade, that England ever knew, ſince the eſtabliſhment if its freedom. What a reverſe from the animating and cheering picture of our proſperity and happineſs, which a liberal Correſpondent gave to the public, through the medium of this paper, on this day twelvemonth. The great events of the year have covered with diſtreſs the whole face of the iſland; the ſecret hiſtory of the period we neither fully can nor dare developе. It is ſufficient to ſay, that acts of perſecution, unknown to Engliſhmen, have been practiſed with applauſe; integrity and friendſhip have been branded as unbecoming an exalted mind; and conſiſtency in principles as unſuitable to the times. Opinion has been hunted into the retirement of families, and he who dared to manifeſt his public doctrines, has been aſſaulted on the ſide of his profeſſion in life. The pulpit, the army, the bar, and the preſs, all furniſh the ſhocking evidence that Spaniſh and Italian arts may flouriſh on an Engliſh ſoil.

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